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THE GRADES ARE IN!—IS THE DEPARTMENT OF HOMELAND SECURITY MEASURING UP?

FULL HEARING

OF THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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THE GRADES ARE IN!—IS THE DEPARTMENT OF HOMELAND SECURITY MEASURING UP?

Tuesday, September 18, 2007

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 3:41 p.m., in Room 311, Cannon House Office Building, Hon. Bennie Thompson [chairman of the committee] presiding.

Present: Representatives Thompson, Sanchez, Harman, Lowey, Jackson Lee, Etheridge, Langevin, Cuellar, Clarke, Green, Rogers, and Dent.

Chairman THOMPSON. [Presiding.] The Committee on Homeland Security will come to order.

The committee is meeting today to receive testimony from Comptroller General David M. Walker of the Government Accountability Office and Mr. Paul A. Schneider, Undersecretary for Management at the Department of Homeland Security, regarding GAO's assessment of the Department of Homeland Security's efforts over the past 4 years.

I have an opening statement that I would like to read. I would like to welcome our two witnesses to the panel today. We look forward to both of your testimonies.

I would like to share with the members of the committee and the audience that, as you know, on September 6, 2007, a day after the House Committee on Homeland Security held a hearing examining Secretary Chertoff's record at the Department of Homeland Security, GAO publicly released its report assessing the department's progress over the past 4 years.

GAO examined legislation, homeland security presidential directives and DHS and component agency strategic plans. GAO assessed the department's performance based on its inspector general's report, past GAO reports and documents provided by the department.

All in all, GAO found that the key underlying themes that have affected the department's implementation efforts are the lack of strategic planning and management, risk management, information sharing, agency transformation, partnership formulation and internal and external coordination.

Simply put, the GAO report confirmed, and I and the committee have suspected for a while now, that the department has failed to complete major projects, programs and plans critical to fulfilling critical homeland security missions.

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In addition to incomplete performance in several operational and programmatic areas, I am also troubled about the department's ongoing challenges in resolving critical personnel vacancies that exist in key decision-making positions.

The GAO report is really pointing to a need for accountability.

Mr. Schneider, it did not go unnoticed that the department chose to send you to defend 4 years record and that you have only been with the department for 9 months. It should be noted that the committee sought the attendance of Deputy Secretary Michael Jackson, who has been in the department since its inception and who serves as the department's chief operating officer and is responsible for managing the department's day-to-day operation.

Let me state emphatically that the department must not evade its responsibility to the American people. The leaders of the department should be here to account for why they have decided to swap the national response plan for a national response framework that state and local participants are still confused about.

The decision-makers of the department must account for the 300 percent cost increase of the SBInet program the department said would help to secure the borders against dangerous persons and cargo. The managers of the department should account for the delay in the issuance of TWIC, the transportation worker identification card.

The directors of the department need to account for the fact that taxpayers' dollars were spent on the homeland security information network, a program that the department's inspector general found does not support information sharing effectively, does not fully meet user needs, and, in many cases, is not relied upon by state, local and tribal law enforcement agencies.

Now, I understand that the department questions the methodology employed by GAO in compiling its assessment of DHS.

Mr. Schneider, I am prepared to hear the department's concern about the GAO, but I must warn you that the department's failure to accomplish its responsibilities to the American people is hardly due to statistical manipulation.

The fact is that at the September 5 hearing, I gave Secretary Chertoff a list of outstanding projects that he is to complete before his tenure is over at the department. When all the items on the list have been accomplished, then the American people will be able to say that we are safer now than we were before.

I will close by saying, once again, that we owe the American people security, we owe them accountability, and, most importantly, we owe them freedom from fear.

With that, I thank you for being here today and I look forward to your testimony.

I would also like to now yield 5 minutes to the gentleman from Alabama, who is our ranking member, Mr. Rogers.

PREPARED STATEMENT OF THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY

SEPTEMBER 18, 2007

On September 6, 2007, a day after the House Committee on Homeland Security held a hearing examining Secretary Chertoff's record at the Department of Home-

land Security, GAO publicly released its report assessing the Department's progress over the past four (4) years.

GAO examined legislation, Homeland Security Presidential Directives, and DHS and component agencies' strategic plans.

GAO assessed the Department's performance based on its Inspector General's reports, past GAO reports, and documents provided by the Department.

All in all, GAO found that the key underlying themes that have affected the Department's implementation efforts are the lack of strategic planning and management, risk management, information sharing, agency transformation, partnership formation and internal and external coordination.

Simply put, the GAO report confirmed what I and this Committee have suspected for a while now—That is the Department has failed to complete major projects, programs, and plans critical to fulfilling critical homeland security missions.

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The decision makers of the Department must account for the 300 percent cost increase of the SBInet—a program the Department said would help to secure the borders against dangerous persons and cargo.

The managers of the Department should account for the delay in the issuance of TWIC—the transportation worker identification card.

The directors of the Department need to account for the fact that taxpayer dollars were spent on the Homeland Security Information Network (HSIN)—a program that the Department's Inspector General found does not support information sharing effectively, does not fully meet user needs, and in many cases is not relied upon by State, local, and tribal law enforcement agencies.

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I will close by saying—once again—that we owe the American people security. We owe them accountability. And most importantly, we owe them freedom from fear.

Mr. ROGERS. Thank you, Mr. Chairman.

I, too, would like to welcome Mr. Walker and Mr. Schneider back to the committee.

The GAO report we will discuss today sets forth a comprehensive review of the progress made at DHS, as well as a number of challenges still facing the department. Specifically, the 320-page GAO report points out that, while DHS has made significant progress in carrying out its missions, more needs to be done to strengthen the management structure.

Partially, in response, DHS has raised serious concerns with the methodology and performance measures GAO used to develop its report, but we will hear from Undersecretary Schneider about these concerns.

The creation of DHS in March 2003 marked the largest government reorganization since the creation of the Department of Defense. While DHS has made great strides in integrating 22 sepa-

rate agencies, DHS officials acknowledge more work needs to be done.

GAO acknowledges that successful transformations of large organizations, even those with less strenuous organizations than DHS, generally take 5 to 10 years. DHS also has undergone reorganizations, including the secretary's second stage review in 2005 and the reorganization of FEMA earlier this year.

While Congress must actively oversee DHS, it should not mandate more changes that will impede the department's ability to complete its integration. As you can see from the chart, DHS also has the challenge of reporting to 86 Congressional committees and subcommittees because Congress has not yet implemented the 9/11 commission recommendations to consolidate jurisdictions.

PREPARED STATEMENT OF THE HONORABLE MIKE ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Thank you, Mr. Chairman.

Today, we welcome back to the Committee both Comptroller General David Walker and Under Secretary Paul Schneider.

The Government Accountability Office report we'll discuss today sets forth a comprehensive review of the progress made by DHS, as well as a number of challenges still facing the Department.

Specifically, the 320-page GAO report points out that while DHS had made significant progress in carrying out its *missions,* more needs to be done to strengthen the *management* structure.

Partially in response, DHS has raised serious concerns with the methodology and performance measures GAO used to develop its report.

We will hear from Under Secretary Schneider about these concerns.

The creation of DHS in March 2003 marked the largest government reorganization since the creation of the Department of Defense.

While DHS has made great strides in integrating 22 separate agencies, DHS officials acknowledge more work needs to be done.

GAO acknowledges that successful transformations of large organizations—even those with less strenuous reorganizations than DHS—generally take *five to seven* years to achieve.

DHS also has undergone reorganizations, including the Secretary's Second Stage Review in 2005, and the reorganization of FEMA earlier this year.

While Congress must actively oversee DHS, it should not mandate more changes that will impede the Department's ability to complete its integration.

DHS also has the challenge of reporting to *86* congress committees and subcommittees because Congress has not yet implemented the 9/11 Commission recommendation to consolidate jurisdiction.

Mr. Chairman, I ask Unanimous Consent to include in the Record a chart that shows the committees and subcommittees that currently oversee DHS.

Consolidated jurisdiction would maintain strong oversight, while DHS strengthens its organization and carries out its missions.

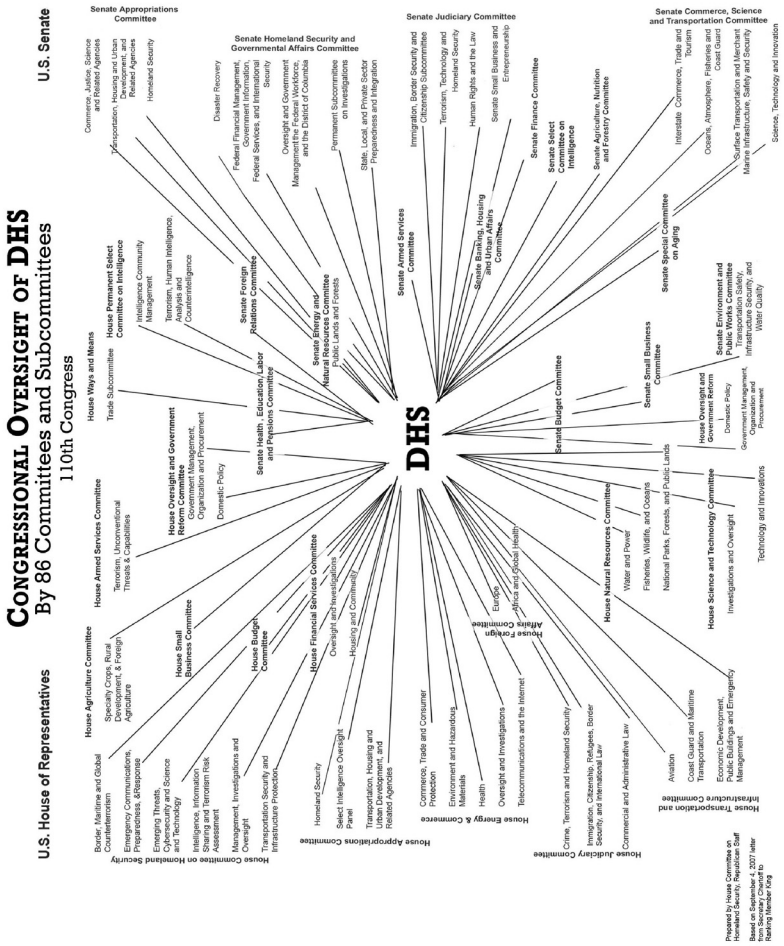
Again, I thank the witnesses for being here today, and we look forward to their testimony.

Thank you, Mr. Chairman. I yield back.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to include in the record the chart that shows the committees and subcommittees that currently oversee DHS.

Chairman THOMPSON. Without objection.

[The information follows:]



Mr. ROGERS. Consolidated jurisdiction would maintain strong oversight while DHS strengthens its organization and carries out its missions.

Again, I want to thank the witnesses for being here today and look forward to their testimony.

With that, Mr. Chairman, I yield back.

Chairman THOMPSON. Other members of the committee are reminded that under the committee rules, opening statements may be submitted for the record.

I now welcome our first witness, Mr. David Walker. Mr. Walker became the seventh comptroller general of the United States and

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began his 15-year term when he took his oath of office on November 9, 1998.

As comptroller general, Mr. Walker is the nation's chief accountability officer and head of the U.S. Government Accountability Office, a legislative branch founded in 1921.

GAO's mission is to help improve the performance and assure the accountability of the federal government for the benefit of the American people. Over the years, GAO has earned a reputation for professional, objective, fact-based and nonpartisan review of government issues and operations.

Mr. Walker, I thank you for your service and I appreciate you agreeing to testify here today.

Our second witness is the honorable Paul Schneider, Undersecretary for Management at the Department of Homeland Security. Prior to joining the department earlier this year, Undersecretary Schneider was a defense and aerospace consultant for 3.5 years. Before that, he was a civil servant for 38 years, including serving as senior acquisition executive of the National Security Agency from October 2002 to September 2003, and more than 4 years as principal deputy assistant secretary of the Navy for research, development and acquisition.

Thank you, Mr. Schneider, for being here today.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Walker.

STATEMENT OF HON. DAVID M. WALKER, COMPTROLLER GENERAL OF THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. WALKER. Chairman Thompson, Ranking Member Rogers, other members of the Homeland Security Committee, thank you very much for the opportunity to be with you and to review GAO's findings with regard to our report that was issued earlier this month on the implementation, integration and transformation of Department of Homeland Security.

DHS began operations in March of 2003 with a number of missions, which included, among other things, preventing terrorist attacks from occurring within the United States, reducing U.S. vulnerability to terrorism, minimizing the damages from attacks that might occur, and helping the nation recover from these attacks.

The department has initiated and continued to implement a variety of policies and programs designed to address these challenges, as well as its many non-homeland security functions. I think it is important to note at the outset that thousands of DHS employees are working very hard on these and other challenges and we obviously appreciate their efforts.

DHS has also taken a number of actions to integrate its management functions and to transform its component agencies into an effective and integrated cabinet department.

However, given the size and significance of this undertaken and in light of the experience of Department of Defense in 1947, GAO designated the implementation and transformation of the Depart-

ment of Homeland Security as a high risk area and it continues to be high risk today.

In designating this as a high risk area, we noted that building an effective department would require consistent and sustained leadership from top management in all key areas. And we also noted that successful mergers and transformations, even in the private sector, of large and complex organizations, can take 5 to 7 years to achieve and be sustained. And, quite candidly, in government, for a variety of reasons, it takes longer.

Our report provides our assessment of DHS' progress across 14 mission and management areas. For each area, we identified performance expectations based upon not our expectations, but the expectations of the Congress, the president of the United States and the secretary of homeland security.

We worked with the inspector general of the department of homeland security and, also, considered our prior work. We also provided an opportunity for the department to be able to provide us with additional information, including extensive information after reviewing a copy of our draft report.

DHS has raised certain concerns about our methodology. We are comfortable with what we did, how we did it and why we did it.

At the same point in time, I also want to acknowledge that in a hearing that we had on the Senate side about 2 weeks ago, I agreed with the chairman and ranking member of Senate Homeland Security and Governmental Affairs that we would work together with DHS to come up with a modified methodology to evaluate DHS on a prospective basis and, in my opinion, that methodology should include both what the status is of these major efforts, as well as whether or not meaningful progress is being made with regard to each of these major areas, because after all, it is going to take years to effectively address some of these areas no matter what best efforts might be from the related parties.

They have made varying levels of progress in implementing their mission and management areas since March of 2001. In general, DHS has made more progress in its mission areas than its management areas, for understandable reasons. Mission is what it is all about and mission is about protecting security and safety.

I would note that there is a board which is noted on page four of my testimony, which includes the summary of our evaluation.

I would also note that there are a variety of factors that have affected DHS' ability to implement its mission and management functions. These factors include both domestic and international events, such as Hurricanes Katrina and Rita, and major homeland security legislation. And the next board, which is on page seven of your testimony, summarizes a number of these major events.

Given the leading role that DHS plays in securing the homeland, it is critical that the department's missions, programs and functions operate as efficiently and as effectively as possible. It has been more than 4 years since the department was established.

They have made progress. More progress is necessary, but it is going to take time. I think it is important they be focused on the right things and that they be held accountable for making meaningful progress on a recurring basis.

I also would note that in order for us to be able to effectively discharge our responsibilities to the Congress, that we need timely access to GAO people, documents and operational exercises, and, in that regard, I am pleased to note that just before I came to this hearing, I received a response to a recent letter that I sent to Secretary Chertoff in which he pledged to be personally engaged in making sure that we gain more timely access than we have in the past.

I appreciate his willingness to set the right tone at the top and that is absolutely necessary in order for us to be able to effectively discharge our responsibilities for the Congress and the American people.

Thank you, Mr. Chairman.

[The statement of Mr. Walker follows:] [1]

Chairman THOMPSON. Thank you very much.

We will now ask Mr. Schneider to summarize his statement for 5 minutes.

STATEMENT OF PAUL SCHNEIDER, UNDER SECRETARY MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. SCHNEIDER. Thank you, Mr. Chairman, Representative Rogers, and members of the committee. It is a pleasure to appear before you today.

Without question, the most significant challenge we face at DHS is to continue to transform the department into a unified force that protects our country. Although the department has faced numerous challenges during the first 4 years of this critical undertaking, we have made great progress.

GAO largely recognizes this progress across 14 mission and management areas. In fact, GAO concluded that the department has generally achieved 78 performance expectations.

This is particularly noteworthy given GAO's recognition that, in many cases, there was no anticipation that the department would achieve the performance expectations by the end of our 4th year.

Also of importance is the GAO recognition that their assessments of progress do not reflect nor are they intended to reflect the extent to which DHS' actions have made the nation more secure in each area.

Although the department takes issue with the methodology and rating system employed by GAO, there can be no dispute that GAO's positive assessments of generally achieved reflect the department's significant progress in the four major mission areas.

I think it is worth noting that many of the areas where GAO rightly recognized the department's progress were those critical areas we chose to focus our resources to secure the homeland. While we were pleased that GAO recognized our progress, the department continues to believe that GAO used the flawed methodology in preparing its report, which resulted in many of the assessments not fully reflecting the department's progress.

We are particularly concerned that the report is based on vague, shifting criteria and standards that result in an "A or fail" grading

[1] *See* GAO, *Department of Homeland Security: Progress Report on Implementation of Mission and Management Functions*, GAO–07–1240T (Washington, D.C.): September 18, 2007.

system does not properly credit DHS for on track implementation of long term multiyear goals or constantly evolving programs, that it is subjective and does not normalize the audit standard amongst analysts to ensure consistent assessments across the 171 performance expectations, and does not consistently account for issues outside DHS' control.

In late May 2007, GAO officials submitted a revised statement of facts that the department's progress would now be rated as generally achieved or generally not achieved rather than generally addressed or generally not addressed.

Although their reply to our comments suggest that this was merely a change in language rather than substance, the practical differences between these standards are significant, reflecting, at a minimum, a difference in how the performance expectations would be perceived.

"Addressed" suggests that a program is on track, whereas "achieved" indicates final completion. Our view is that GAO went from a pass-fail to an A-fail grading system without explaining why. In our view, this is like moving the goalpost after the game has started.

Based on this new standard, GAO downgraded its assessments of the department, the 28 performance expectations, to generally not achieved.

We are also concerned with the binary achieved-not achieved standard. We believe it is ill equipped to evaluate the department's progress accurately in a multiyear endeavor.

In closure, my letter to the GAO dated 20 July 2007, which has been included in the GAO report, and my testimony, highlights in detail a discussion of some of these problematic assessments.

Moving forward, we will build upon the department's recent program developments and successes, while dedicating ourselves to continuous improvement.

I personally look forward to maintaining the cooperative approach with the GAO that was followed in preparing this report and, as the comptroller general indicated, based on our hearing with Senator Lieberman, we are in the process of starting to work together to establish criteria for subsequent evaluation that is mutually agreed to by both parties.

I would also like to thank the Congress and especially this committee for your leadership and for your continued support of the Department of Homeland Security.

I am happy to answer any questions that you may have.

[The statement of Mr. Schneider follows:]

PREPARED STATEMENT OF THE HONORABLE PAUL A. SCHNEIDER, UNDER SECRETARY FOR MANAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Thank you Mr. Chairman, Representative King and members of the Committee. It is a pleasure to appear before you today.

I am here today to discuss where the Department of Homeland Security (DHS) stands after its first four years—both its successes and where more work is needed. In particular, I am here to discuss the recent Government Accountability Office (GAO) report entitled *Department of Homeland Security, Progress Report on Implementation of Mission and Management Functions (GAO Report).*

I want to say at the outset that we are very appreciative of the frank and open communication with GAO that has been established during recent months, especially during the final stages of GAO's work on this report. In this regard we are

especially appreciative of the efforts of the Comptroller General, Mr. Norman Rabkin, Managing Director, Homeland Security and Justice, and their team for their professionalism, courtesy and cooperation. We look forward to building on and continuing this cooperative approach. We also appreciate the opportunity that we were given to review and provide comments on the earlier draft report submitted by GAO.

As you know, this report looks at DHS' first four years, although GAO has observed that "successful transformations of large organizations, even those faced with less strenuous reorganizations than DHS, can take at least five to seven years to achieve." We appreciate GAO's acknowledgement of the challenges the Department faces and recognition of the progress we have made in the past four years. Without question, the most significant challenge we face at DHS is to continue to transform the Department into a unified force that protects our country. DHS, whose size is comparable to a Fortune 50 company, has been an entrepreneurial start-up effort that, at the same time, has been required to merge 22 agencies with approximately 209,000 employees into one.

GAO itself has referred to this project as an "enormous management challenge," and in regards to the size, complexity and importance of our efforts, as "daunting."

Although the Department has faced numerous challenges during the first four years of this daunting—and critical—undertaking, we have made great progress. The GAO Report largely recognizes this progress across 14 mission and management areas. In fact, GAO concluded that the Department has "Generally Achieved" 78 performance expectations, despite GAO's recognition that in many cases it had not expected that the Department could achieve the performance expectations by the end of our fourth year. In other areas, GAO also recognizes the Department's ongoing programs but nevertheless concludes that the progress to date warrants a different assessment of "Generally Not Achieved".

Although the Department takes issue with the methodology and rating system employed by GAO, there can be no dispute that GAO's positive assessments in 78 performance expectations reflect the Department's significant progress in four major mission areas, including: (1) securing modes of transportation, (2) securing the border and administering the immigration system, (3) defending against, preparing for, and responding to threats and disasters, and (4) implementing management functions.

Securing modes of transportation. The Department has implemented a strategic approach for aviation security functions. In order to make air travel more secure, the Department has hired and deployed a federal screening workforce as well as federal air marshals on high-risk flights, and developed and implemented procedures for physically screening passengers and air cargo. The GAO Report also recognizes the Department's progress in developing and testing checkpoint technologies and deploying explosive detection systems and explosive trace detection systems to screen checked baggage. The Department has also established policies and procedures to ensure that individuals known to pose, or suspected of posing, a risk or threat to security, are identified and subjected to an appropriate action.

In the area of maritime security, GAO recognizes the Department's development of national plans for maritime security, and progress in developing a vessel-tracking system to improve awareness on vessels in U.S. waters, ensuring port facilities have completed vulnerability assessments and developed security plans; and developing a system for screening and inspecting cargo for illegal contraband.

Securing the border and administering the immigration system. The Department has implemented a biometric entry system to prevent unauthorized border crossers from entering the United States through ports of entry and is developing a program to detect and identify illegal border crossings between ports of entry. We have also developed a strategy to detect and interdict illegal flows of cargo, drugs, and other items into the United States. In the area of immigration enforcement, the Department has developed a program to ensure the timely identification and removal of noncriminal aliens as well as a comprehensive strategy to interdict and prevent the trafficking and smuggling of aliens into the United States. We have also developed a prioritized worksite enforcement strategy to ensure that only authorized workers are employed. In order to provide better immigration services, the Department has established revised immigration application fees based on a comprehensive fee study and has created an office to reduce immigration benefit fraud.

Defending against, preparing for, and responding to threats and disasters. In order to satisfy our mission of being prepared for and responding to future threats and disasters, whether they are along the lines of the September 11, 2001 terrorist attacks or Hurricanes Katrina and Rita, the Department has developed a national incident management system and a comprehensive national plan for critical infrastructure protection. The Department has identified and assessed threats

and vulnerabilities for critical infrastructure and has supported efforts to reduce those threats and vulnerabilities. The GAO Report also recognizes the Department's progress in coordinating and sharing homeland security technologies with federal, state, local, tribal and private sector entities.

Implementing Management Functions. While I have indicated in my prior testimony that there remains much work to be done in the area of improving and integrating management functions, there has nevertheless been progress in these areas. For example, GAO's assessments reflect our progress in assessing and organizing acquisition functions to meet agency needs. We have also designated a Department Chief Financial Officer, appointed by the President and confirmed by the Senate, who is currently working to prepare corrective action plans to address internal control weaknesses. In the area of human capital, we have developed a results-oriented strategic human capital plan, and have created a comprehensive plan for training and professional development. We have also organized roles and responsibilities for information technology under the Chief Information Officer and developed policies and procedures to ensure the protection of sensitive information. A Senior Real Property Officer has also been established and an Office of Management and Budget-approved asset management plan has been developed.

I think it is worth noting that many of the areas in which GAO rightly recognizes the Department's progress were those areas where we have chosen to focus our resources during our first four years based upon a risk-based approach. For example, the Secretary has focused the Department's efforts on securing transportation modes given the nature of the September 11, 2001 attacks. The GAO Report recognizes that the Department has indeed made great strides in this area, giving the Department assessments of "Generally Achieved" in 37 out of 50 performance expectations in this area. In this regard, it is worth noting that GAO acknowledges that its "assessments of progress do no reflect, nor are they intended to reflect, the extent to which DHS' actions have made the nation more secure in each area".

While we were pleased that GAO recognizes our progress in these and other areas by indicating that we had "Generally Achieved" relevant performance expectations, the Department continues to believe that the GAO Report is based upon a flawed methodology. This methodology results in many assessments that do not fully or accurately reflect the Department's progress.

We have raised our concerns with the methodology used by GAO on several occasions, including in our July 20, 2007 comments to the draft report. GAO's recent reply to our comments notwithstanding, these methodological issues continue to contribute to the report's systematic understatement of the Department's progress at the four-year mark. Therefore, I think they bear repeating here. We are particularly concerned that the GAO report:

- Is based on vague and shifting criteria, standards, and performance expectations that results in an "A or Fail" grading system;
- Does not properly credit DHS for the on-track implementation of long-term, multi-year goals;
- Does not account for constantly evolving programs, especially those where total achievement may never be possible;
- Is subjective and does not normalize the audit standard amongst analysts to ensure consistent assessments across the 171 performance expectations;
- Does not consistently account for issues outside the control of DHS;
- Relies on outdated or inaccurate information; and
- Weighs all performance expectations equally.

Many of these concerns were first expressed to GAO in connection with an initial, draft Statement of Facts provided by GAO to the Department in February. To evaluate the Department's progress over its first four years, GAO officials had relied almost exclusively on outdated reports and data to rate the Department's performance on a subjective, binary scale of "Generally Addressed" or "Generally Not Addressed." GAO indicated that an assessment of "Generally Addressed" was given where analysts determined that DHS had "taken steps to effectively satisfy most of the key elements of the performance expectation." GAO neither defined "effectively satisfy," nor identified the key elements or criteria associated with each performance expectation. Accordingly, the initial Statement of Facts and assessments provided us with little insight into how GAO had evaluated the Department's activities.

After the Secretary personally reviewed the initial Statement of Facts, he wrote to the Comptroller General on March 7, 2007 expressing his concerns and offering to work with GAO "to ensure the final GAO statement fully reflect[ed] the Department's achievements over the past four years." Shortly thereafter, the Department provided GAO with thousands of pages of documents explaining how key programs were on track and a detailed 100-plus-page explanation of the Department's overall progress. Over many weeks, the Department continued to provide additional docu-

mentation and meet with GAO officials to demonstrate how DHS was addressing various program areas and performance expectations.

In late May 2007, GAO officials submitted a Revised Statement of Facts which altered the standard for judging the Department's progress without prior warning or consultation with the Department. The Revised Statement of Facts indicated for the first time that the Department's progress would now be rated as "Generally Achieved" or "Generally Not Achieved," rather than as "Generally Addressed" or "Generally Not Addressed." Although GAO's recent reply to our comments suggests that this was merely a change in language rather than substance, the practical differences between these standards are significant, reflecting, at a minimum, a difference in how the performance expectations would be perceived. "Addressed" suggests that a program is on track, whereas "achieved" indicates final completion. The Department went from being rated on the GAO standard to "effectively satisfy most of the key elements of the performance expectation but may not have satisfied all of the elements" to now completely satisfying all of the requirements. Our view is that GAO went from a Pass/Fail to an A/Fail grading system without explaining why. This is like moving the goal post in the middle of a game. Consequently, DHS spent many months working to show how the Department had satisfied those now-abandoned standards.

Based on this new standard, GAO downgraded its assessments of the Department in 28 performance expectations. In 24 such instances, the Department went from "No Assessment Made" to "Generally Not Achieved." These changes were particularly surprising in light of the extensive documentation and materials describing the Department's progress and successes that were provided to GAO. As discussed in the Department's formal response, which is included in the final GAO Report, we believe the downgraded assessments are not supported by the facts.

The binary "Achieved"/"Not Achieved" standard ultimately adopted by GAO mid-audit is particularly ill-equipped to evaluate accurately the Department's multi-year programs, especially when DHS is only a few years into the project. GAO acknowledges the applied standard is "not perfect" but supports its decision to maintain the binary standard as it was unable "to assess where along a spectrum of progress DHS stood for individual performance expectations". We disagree with the standard used. For example, although GAO officials have indicated that the Department's Secure Border Initiative (SBI) is "on a trajectory" towards achievement, the Department received a score of "Generally Not Achieved" in this performance expectation because it had not yet fully completed the goals of the entire SBI program. It is important to note that the Department was authorized to commence SBInet just one year ago. To assess this program within this report under the assumption that the Department has had four years to implement it is misleading. GAO's assessments of multi-year programs are thus at odds with GAO's own disclaimer that its assessments are "not meant to imply that DHS should have fully achieved the performance expectation by the end of its fourth year."

We are also concerned with the apparent shifting of the already nontransparent criteria used by GAO to assess the Department. We disagree with GAO's reply that the key elements are somehow "inherent" to the performance expectations. While certain elements of a given performance expectation may in some cases be obvious, the subjectivity of other key elements and criteria used by GAO is borne out by our exchanges with GAO over the past months. In many instances, where the Department provided GAO with supplemental information directly addressing specific criteria discussed in the initial or Revised Statement of Facts, GAO acknowledges DHS's new information yet does not fully consider its significance or include additional criteria for that performance expectation that was not previously provided to the Department. In some cases, this new criteria contained in the GAO Report goes beyond or contradicts the scope of the performance expectation itself. For instance, GAO's assessment of the Department's efforts to implement a strategy to detect and interdict illegal flows of cargo, drugs, and other items illustrates this point. The Revised Statement of Facts indicated that GAO's assessment was based in part on GAO's belief that the Department had not established or met milestones for achieving relevant goals. After GAO was provided with information to the contrary, GAO simply dropped its reference to those criteria and added language regarding new criteria, including the criticism that the Securing America's Borders at the Ports of Entry Strategic Plan (SABPOE) was "in the early stages of implementation" where the performance expectation only asks whether a strategy has been implemented.

Moreover, there appears to have been no effort to "normalize" the process by which GAO officials made admittedly subjective assessments across the entire spectrum of 171 performance expectations. As a result, GAO analysts in various mission and management areas could have evaluated the Department's performance differently. The vague descriptions of "Generally Addressed" and then "Generally

Achieved" do not appear to provide detailed guidance to support these determinations or ensure consistency in application. Therefore it is difficult to have confidence in the level of consistency applied in evaluating the performance expectation criteria or the assessments based upon them. Furthermore, the GAO Report treats all of the performance expectations as if they were of equal significance. While all of the 171 performance expectations included in the GAO Report are important, they are not of the same priority when it comes to securing the nation's homeland. GAO readily admits that it did not weigh the relationship between each performance expectation with the Department's overall priorities and mission. In contrast, the Department uses a risk-based approach to consider its overall priorities and mission in choosing where to focus its limited resources. As previously discussed, the GAO Report indicates that DHS has made the greatest progress in several areas that it identified as priorities, such as securing transportation modes.

In addition to these methodological concerns, we believe that many of GAO's specific assessments do not reflect the significant progress made by the Department over the past four years. The following are a few prime examples:

- Even after our July 20, 2007 comments GAO continues to assess the Department's efforts to detect and identify illegal border crossings as "Generally Not Achieved." This assessment understates the importance of our successful efforts to deploy 6,000 National Guard agents to the border, to increase Border Patrol staffing by 30 percent since 2001, and to begin implementation of the comprehensive SBI Program. For example, GAO does not take into consideration the Department's efforts to secure the northern border. It also does not mention that U.S. Customs and Border Protection (DHS–CBP) Border Patrol apprehensions for the first three quarters of Fiscal Year 2007 are down 24 percent compared to the previous year along the southwest border, indicating a significant decline in illegal cross-border activity between ports of entry. The Yuma, Arizona, and Del Rio, Texas, sectors experienced the greatest declines, with decreases of 68 percent and 51 percent, respectively. The number of other-than-Mexican alien apprehensions dropped 48 percent along the southern border. The decrease in other-than-Mexican apprehensions reduces the time agents spend transporting and processing them, and increases the time spent patrolling the border.
- The GAO Report's assessment that the Department has "Generally Not Achieved" the goal to establish standards and procedures for effective airport perimeter security and to control access to secured areas does not give proper consideration to the extensive documentation recently provided to GAO by the Department's Transportation Security Administration (TSA). The documentation not only demonstrates substantial progress in establishing standards, but also the steps the Department is taking in implementing those standards. For instance, TSA established the Aviation Inspection Plan as guidance to implement the Aviation and Transportation Security Act (ATSA). Based on the Aviation Inspection Plan, TSA is conducting perimeter and access control pilots with airports, and has recommended to airport operators commercially available measures or procedures to prevent unauthorized access to secured airport areas. The Report continues to downplay the significance of the detailed action plan addressing all GAO recommendations from its 2004 audit and many processes already in place to improve airport perimeter security and access controls.
- The GAO Report's assessment that the Department has "Generally Not Achieved" the goal of leveraging technology, personnel and information to secure the border is incorrect. The US–VISIT program incorporates eligibility determinations made by both DHS and the Department of State into a continuum of security measures to secure the border. US–VISIT manages systems that operate at 283 air, sea and land ports and 210 Consular Offices worldwide. These systems collect data and screen travelers against existing watch lists and databases containing information about previous DHS encounters with the traveler, verifying identities and travel documents. The Department also captures data on individuals attempting illegal entry between the ports of entry, as well as individuals who are being investigated or removed from the interior of the country. This information is then shared with the ports of entry, Consular Offices, Border Patrol Stations, Immigration and Customs Enforcement (USICE) Field Offices, U.S. Citizenship Immigration Services (USCIS), and the U.S. Coast Guard. GAO's statement that there is "more work to be done," which will almost certainly be true should substantiate this subjective score.
- The GAO Report's assessment that the Department has "Generally Not Achieved" the goal of developing new programs to prevent future immigration benefit application backlogs from developing is incorrect. In GAO's response to the Department's July 20, 2007 comments, they acknowledge that the Depart-

ment has initiated various programs to help reduce processing time. Despite this acknowledgement, GAO maintains its subjective assessment of "Generally Not Achieved".

• We continue to disagree with GAO's assessment that the Department has "Generally Not Achieved" the goal of establishing training programs to reduce fraud in the benefits process. This assessment provides an example of our concerns about GAO's shifting and vague criteria, as GAO's focus has apparently shifted from the "establishment" of training programs to concerns about the specific implementation of those programs. Not only has the Department established training programs, it is implementing them and has provided to GAO statistics on these training classes including number of attendees and course content. Additionally, this assessment is based on shifting criteria. The GAO requested we establish training programs and is assessing the Department on how the training program has been implemented.

• The GAO Report's assessment that the Department has "Generally Not Achieved" the goal of implementing a prioritized worksite enforcement strategy does not capture the significant progress that ICE has made since 2004. Immigration and Customs Enforcement's (USICE) efforts have resulted in a significant increase in the use of the employment verification system as well as significant increases in investigations and arrests. The worksite enforcement strategy is a comprehensive three-pronged approach: (a) criminal investigations of egregious employer violators; (b) enhanced employer compliance and outreach to help employers follow the law; and (c) ensuring that critical infrastructure sites have only authorized workers.

• The GAO Report's assessment that the Department has "Generally Not Achieved" the goal of implementing a comprehensive strategy to interdict and prevent trafficking and smuggling of aliens into the U.S is not supported by the facts provided to GAO officials. The Department's implementation strategy for counteracting the trafficking and smuggling of aliens is just one part of the larger SBI and SABPOE Strategic Plan. DHS has made significant progress coordinating with other departmental components and federal agencies to target cross-border criminal activity, including human trafficking.

• The Department does not agree with the assessment that the Department's Science and Technology (S&T) directorate has "Generally Not Achieved" the goal to create a plan for its departmental research, development, testing and evaluation activities. S&T delivered a Strategic Plan to Congress on June 26, 2007 that incorporates a five-year Research and Development Plan including information on milestones for fiscal years 2007 through 2011. The milestones, deliverables and goals are included for every project within S&T, especially Test and Evaluation. It reflects the highest level objectives for internal departmental activities, and provides overarching guidance for addressing the science and technology needs within each homeland security mission area. The Plan also addresses the importance of developing a strong homeland security science and technology national workforce by developing professional S&T employees.

• Although GAO changed its assessment of our efforts towards developing a comprehensive Enterprise Architecture (EA) that substantially meets each of the Enterprise Architecture Management Maturity Framework (EAMMF) elements from "Generally Achieved" to "No Assessment Made," we continue to believe that this expectation has been met.

We also believe that the comprehensive EA has been implemented, contrary to GAO's assessment of that related expectation. With significant input from stakeholders, the Department has made great strides in these areas. In fact, the Office of Management and Budget has rated the Homeland Security Enterprise Architecture 2007 as a 4.3 on a 5.0 scale for completeness and a 4.5 on a 5.0 scale for use, which includes the elements of governance, change management, deployment, collaboration, and Capital Planning and Investment Control integration. The August 2006 GAO report found that DHS fully satisfied 24 out of 31 applicable EAMMF elements, and partially satisfied four additional elements. Since that time, DHS has taken additional steps to identify and/or address the final three elements.

Products related to the EA are now required to undergo independent verification and validation (IV&V) which will ensure interoperability, compatibility, and efficiency within the larger structure. DHS has also worked to centralize information technology (IT) processes and avoid unnecessary duplication, by requiring adherence to the EA for all IT investments over $2.5 million. In addition, the Office of the Chief Information Officer is currently aligning all new investments to the EA. All IT investments in Fiscal Year 2008 have already been aligned with the Department's strategic plans and will continue in future

fiscal years. Also, with respect to implementing the EA, DHS has created a repeatable methodology for assessing potential IT investments. The developed methodology is based upon detailed compliance criteria.

The Department also takes strong exception to GAO's assessments within the Emergency Preparedness and Response mission area. In addition to the five performance expectations that GAO recognizes that we have Generally Achieved, we also believe that the Department has Generally Achieved 10 additional performance expectations. The following are some examples in this mission area that reflect the progress we have achieved:

- GAO maintains that the Department has "Generally Not Achieved" the goal of establishing, coordinating, and implementing a single, all hazards national response plan. In fact, the Department issued the National Response Plan in December of 2004. With regard to implementation, the Department has actively trained Federal, state and local government and non-governmental leadership and first responders since the plan's release through a formal roll-out process, an on-line training course, workshops, and regular exercises. GAO's reliance on ongoing efforts to revise and update the NRP as a basis to downgrade the Department's assessment does not reflect the reality that the NRP is a living document that will be regularly reviewed and revised as long as it is in existence. This assessment is an example of GAO's flawed methodology, as it does not take into account the nature of the Department's constantly evolving, yet established programs. Even as the successor to the NRP, called the National Response Framework, has been recently published for public comment, the existing NRP continues to serve as a single, all-hazards national response plan.
- The Department disagrees with the assessment of "Generally Not Achieved," regarding the goal to ensure the capacity and readiness of disaster response teams. GAO does not give sufficient consideration to readiness and capacity of FEMA's disaster response system that is in place and now tried, tested, and proven to be successful in recent hurricanes, tornados, floods, and tropical storms. FEMA continues to work hard to refine doctrine, policies, procedures, guidance, and metrics, for its disaster response teams and activities. In fact, the interagency community, especially the Department of Defense, was very complimentary of the comprehensive coordination, led by FEMA, in preparing for a response to Hurricane Dean. The Federal Incident Response Support Teams (FIRST) from Atlanta and a Mobile Emergency Response Support (MERS) Component were airlifted to Puerto Rico by Coast Guard and Department of Defense aircraft and were in position well before Hurricane Dean's arrival. The FIRST demonstrated for the first time the capability to provide real time situational awareness in a live video broadcast from Puerto Rico back to the FEMA Headquarters and the Regional Response Coordination Center. In addition, six Urban Search and Rescue (US&R) Task Forces and a US&R Incident Support Team were deployed to Fort Worth, Texas, and the FIRST from Chicago was deployed to McAllen, Texas, for support. After the storm passed Puerto Rico, the FIRST was quickly flown back to Atlanta and was prepared for a second deployment in case of a future hurricane strike.
- DHS also disagrees with GAO's assessment that the Department has Generally Not Achieved the goal to develop the capacity to provide needed emergency assistance and services in a timely manner to individuals and communities in an emergency event. Critical services, such as improved logistics tracking and capacity, increased disaster victim registration, and robust fraud, waste and abuse protections are in place and fully functional. Recently, FEMA received high marks from the Mayor of Greensburg, Kansas for its rapid response to the tornado which destroyed 90% of the town. Mayor Lonnie McCollum said "As I broke down my back door to go out, there's a fireman from Dodge City, Kansas. He meets me as I'm digging out of the rubble to see if I'm OK. And almost the next person behind him is somebody from FEMA." FEMA is also supporting major planning efforts in the Gulf Coast states to address evacuation needs should another major disaster strike that area. Additionally, the Department has undertaken a number of initiatives such as the National Shelter System with the Red Cross to improve shelter management. FEMA has also engaged in outreach to other Federal agencies to ensure the smooth and responsive coordination of Federal support and has been working closely with highest risk hurricane states on a gap analysis initiative that helps the States identify and address the their strengths and weaknesses.
- DHS disagrees with GAO's assessment that the Department has Generally Not Achieved the goal to develop a system for collecting and disseminating lessons learned and best practices to emergency responders. The Department developed the Lessons Learned Information Sharing website in 2004 for the first

responder community. Based on user feedback the Department has been making significant system upgrades resulting in dramatic improvements in the ability of first responders to access and share valuable information on all aspects of emergency response and homeland security.

Our response to the GAO dated July 20, 2007, which is included in the GAO Report contains a more detailed discussion of these and other particularly problematic assessments contained in the GAO Report.

Conclusion:

The Department has done a great deal to ensure the safety and security of our country. We are proud of what DHS has been able to accomplish in a short time, notwithstanding the many challenges faced by the Department. We are pushing ourselves to strengthen the Department and are committed to strengthening its management and operational capabilities.

I want to take this opportunity to publicly thank the Department's employees for their tireless efforts and those who made the ultimate sacrifice with their lives to ensure the freedom of our nation. Moving forward, we will build upon the Department's recent program developments and successes while dedicating ourselves for continual improvement.

In pursuing our mission, I look forward to maintaining the cooperative approach with the GAO that was followed in preparing this report. This process has provided valuable lessons on a better way ahead and we look forward to working with GAO to obtain upfront the necessary clarifications on performance expectations. I also want to thank the Congress and this Committee for your leadership and your continued support of the Department of Homeland Security. I am happy to answer questions that you may have.

Chairman THOMPSON. Thank you very much. I want to thank both of you for your testimony.

And I would like to remind each member that he or she will have 5 minutes to question Mr. Walker and Mr. Schneider.

I now recognize myself for questions.

Mr. Walker, you have heard the department's disagreement with your report. Do you stand by your report to this committee?

Mr. WALKER. We do and, frankly, I think it is reasonable to expect that when you are doing something like that, that there are going to be some areas of disagreement.

Let me make it very clear. The approach that we took we laid out. It was transparent. It is true that the department expressed concerns about the approach, but very late in the ballgame, after we had done most of the work and, therefore, we couldn't turn the battleship that late in the ballgame.

The bottom line is this: that while there are differences of opinion on how we evaluated some of the individual performance expectations, frankly, even given those differences of opinion, I doubt there would have been much of a difference in what our bottom line assessment would have been with regard to overall progress.

More importantly, we have agreed that we are going to come up with an alternative methodology for prospective evaluation of the Department of Homeland Security, which, as I said before, I believe to consider both status, as well as whether or not they are making meaningful progress on a prospective basis.

Chairman THOMPSON. Thank you very much.

One of the questions, Mr. Schneider, is take the SBInet contract. In that contract, we find some costs associated with the fence and we can't get the hard figures on the fence.

We have had $1.6 million as a cost, but some say it could go as high as $4 million per mile.

Do you have any information on that particular issue?

Mr. SCHNEIDER. Mr. Chairman, I can get you the information. I can tell you, having spent some time looking at the secure border initiative, that different areas of fence actually cost a little different per mile and that is because of the nature of the fence in that particular geographic area.

What we do is we look at what type of fence is appropriate, a fence, vehicle barriers. So the numbers are not going to be identical as, for example, the——

Chairman THOMPSON. Excuse me. When you average it out, is it $1.6 million per mile?

Mr. SCHNEIDER. I don't know the average.

Chairman THOMPSON. Can you get that information for us?

Mr. SCHNEIDER. Yes, sir. Yes, I will.

Chairman THOMPSON. Mr. Walker?

Mr. WALKER. Let me just say, Mr. Chairman, that, obviously, they are in a better position to get the information. The number you heard about the $4 million, it is my understanding that the current estimate of the cost per mile for Project 28, which is a virtual fence and it is seven miles long, is about $4.5 million a mile.

Now, that is high tech equipment and, obviously, there are other portions aren't as high tech that would be less cost, presumably.

Chairman THOMPSON. Are you aware, Mr. Schneider, of any performance bonuses associated with this contract?

Mr. SCHNEIDER. No, no, I am not.

Chairman THOMPSON. If there are, will you provide the committee with that information on the contract?

Mr. SCHNEIDER. Yes, sir, I will.

Chairman THOMPSON. Thank you.

Mr. Walker, did you have any difficulty getting any of this information from the department?

Mr. WALKER. We have had difficulties in the past with regard to timeliness. We haven't been outright denied information from the department, but sometimes it has taken a significant amount of time for us to gain access.

That was the purpose of my correspondence with Secretary Chertoff within the last couple of weeks and, as I said, he responded right before this hearing, and I was encouraged by his response.

He is committed that he wants to work with us to give us timely access, and that he wants to try to work to try to streamline their practices. It is not their policies as much as what the historical practices have been. And I take him at his word.

And so we will keep this committee apprised, as well as the Senate Homeland Security and Governmental Affairs Committee.

Chairman THOMPSON. Thank you. But if you had to rank the department, Mr. Walker, at this juncture, as you compare other agencies in terms of getting information to you to do your job, how would you rank it?

Mr. WALKER. It ranks below average with regard to the timeliness of getting information to us, but it is got a massive undertaking and it has got a lot of people that are trying to get information from it, too.

It would be below average at this point in time.

Chairman THOMPSON. So we take Secretary Chertoff's letter as an effort to get the department above average.

Mr. WALKER. I do. In fact, one of the things that I want to do on a prospective basis is to annually evaluate each department and agency with regard to how they are doing, along with records access, responding to our recommendations and a variety of other factors, in order to highlight those that are doing well and hopefully encourage those that aren't doing as well to do better, as well as recognizing progress when progress is made.

Chairman THOMPSON. Thank you very much.

I yield 5 minutes to the ranking member, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Walker, in looking at your overall assessment, a minute ago, you used the phrase "bottom line" and you framed this earlier in your statement that this is government and even in the private sector it would take 5 to 7 years to achieve this merger and expect the operation to be efficient and effective.

Your bottom line assessment—is the development that you are seeing by DHS, in your word, meaningful?

Mr. WALKER. I think they have made meaningful progress. They have made more progress on the mission front, which I would hope and expect, than they have on the mission support front.

As you can see in our report card, that the area they have done the best is maritime security, lot of reasons for that, including the Coast Guard, which is a very well run organization, in general, but there are other areas where they have got quite a ways to go.

Mr. ROGERS. And I guess that is what I am trying to get at. As I have talked to people back home about homeland security and the frustrations that we have experienced post-Katrina and in other areas, I try to remind folks that while I am very critical of the department in a lot of ways, it is still in development.

I reference it as being like a gangly teenager still trying to get control of itself, and so people need to be patient about that. And I wanted to hear from you, do you think that the point of development that they are in now is acceptable given where they came from in 2003 and where you expect them to be in that 7 to 8, 9-year——

Mr. WALKER. Mr. Rogers, I don't think it would be fair to the Congress or fair to DHS for me to give it just one bottom line assessment. I think what we tried to do is to say, "Look, there are certain areas where they are doing well and where they have made considerable progress. There are other areas where they are not doing as well."

They have a limited amount of resources, both financial and human, and they have some restrictions on what they can do, as well. And so I think I will stick by what I have said on the overall assessment.

In some areas, they are doing well. In some areas, they need to do better.

Mr. ROGERS. And I agree, but the bottom line is the American people are going to take an assessment from your report, either their development is acceptable, at an acceptable pace, or it is not, and I guess that is what I am trying to——

Mr. WALKER. And it depends on the area. Here is the bottom line. Are we safer than we were on 9/11/2001? Absolutely. Will we ever be totally safe? No. And we need to keep in mind that this is not just about counterterrorism. It is also about natural disasters.

That is what Katrina and Rita was.

And we also need to keep in mind that before 2003, before the creation of this department, with 22 different agencies, most of these agencies' mission was not homeland security.

So we basically have created a huge merger with different agencies, different cultures, different systems, most of which weren't even focused on homeland security. And so progress varies, but I am not surprised at that at this point in time.

Mr. ROGERS. Thank you. I will give up on trying to get you to say whether it is acceptable or not.

I do want to turn to your methodology. I understand that you acknowledge and Mr. Schneider has acknowledged there has been a difference as to whether the methodology was acceptable and that, going forward, prospectively, you intend to use a modified methodology.

Going forward, are you going to both agree to objective ways of interpreting progress in the future?

Mr. WALKER. What we have committed to do is that we will work with DHS in order to help develop a revised methodology that will consider all these performance expectations and that will also consider the fact that one needs to be concerned not just whether or not they have been met, but whether or not meaningful progress is being made towards ultimately meeting them.

In the final analysis, we want to work together constructively and cooperative, but in the final analysis, GAO will have to use its independent professional judgment about what it thinks is the right answer, because it is our name that goes on the evaluation.

Mr. ROGERS. I guess what I am getting at is I want to take the subjectivity out of it, though. I would like to make sure that you know and DHS knows, when you are going to grade them, what the standards are, what the objectives are that are being measured, and that DHS has basically a heads-up about what they are going to be tested on.

Mr. WALKER. Well, I think our methodology was transparent. There is a difference of opinion about whether or not it was appropriate and whether or not it was the right one.

I mean, I don't think there is any debate about the fact that our methodology was transparent. What I hear the undersecretary saying is that he believes that our methodology didn't give them enough progress in areas where they think they have made considerable progress and certain other factors.

Well, what I am proposing to do is to consider both whether or not they have met or not met, but, also, whether or not they are making meaningful progress. That, in and of itself, I think, is a good faith attempt to try to bridge the difference.

Mr. ROGERS. Thank you. My time is up.

Ms. SANCHEZ. [Presiding.] I thank the gentleman.

I will now allow 5 minutes of questioning for myself.

Mr. Walker, over the years that I have been sitting up here and we have been taking a look at DHS, I have to admit that I was not a vote to form the Department of Homeland Security. The reason was I used to work for Booz Allen, and I did performance audits, and I did a lot of M & A work, and I knew what a hell it is for two companies to come together, let alone 22 different pieces of the government, and I knew this would take a long, long time.

And under the committee that I chair, the subcommittee that I chair, which has to do with maritime, border, really the ingress and egress into the United States, I look at some of the really major projects.

I mean, we have America really angry about immigrants coming into this country and I look at SBInet, which is our first solution to trying to do something with this, and the dates missed and nobody can tell me when I am going to get it.

I look at US–VISIT, figuring out who is coming in and whether they are leaving our country when they are supposed to leave, and I have DHS not having an exit program piece of that, and that is a major piece of this whole visa overstay and everything, and it is just not working. They don't have it up.

I look at the TWIC card, ports, maritime. Who is on our ports? Who is actually there? Who is doing it? And they can't get the TWIC thing together. They were supposed to do it July 1. Then who knows what the new rollout date is and when the pieces are going to be put together.

Coast Guard and I look at Deepwater. In the major areas that, at least under my committee, I look at, I see a lot of work being done, but everything is missing the mark, and the reality of why we are doing those programs, we are not meeting what we need to be doing.

I am going to submit for the record specific questions to those projects that I hope you or somebody in your department, when you are looking at the department, can get answers back to me on that.

But when I step back and I look at it, I guess I have also heard over these years that management has really lacked, that the talent—somebody told me, one of your earlier people in a different hearing said something to the effect of "There is vision at the department, but management is really lacking."

Can you tell me, is that still true? Because we have had so many people move in and move out of jobs. Is it still really the management problem that is really hampering us from being able to ensure we are getting some of this done?

Mr. WALKER. Well, in any organization, as you know, and having been in consulting yourself, I was in the private sector for 21 years and did a lot of change management consulting myself, you need to have a plan.

That plan has to recognize what the different goals and objectives are consistent with the mission. The plan has to recognize what resources you have. The plan has to be risk-based and it has to be implemented by capable people who are going to hopefully be there long enough in order to see through a number of these initiatives.

More needs to be done with regard to the planning, especially the risk-based assessment. There are a number of open positions in the

Department of Homeland Security, a number of critical open positions right now and, candidly, in government much more than the private sector, you see a lot more turnover in some of the critical leadership positions than you and I are accustomed to.

For example, at DHS, we have had two secretaries, three deputy secretaries, two undersecretaries for management, and many other players have changed during the period of time.

I think one of the things that we have to recognize, which I have touched on before, is we need to recognize that with regard to major management activities, strategic planning, organizational alignment, financial management, information technology, human capital strategy, change management, knowledge management, we need to look at those positions differently and figure out how we can end up getting people in those jobs that can stay there longer.

And that also includes the undersecretary for management, where we have proposed that that be converted into a term appointment to provide continuity not just with administrations, but between administrations.

Ms. SANCHEZ. Let me ask you one last question before we go to the next Congressperson.

This issue of resources, because as I recall, when the legislation was done to create the department, it was supposed to be neutral with respect to the dollars. In other words, the pieces of the government that we had before, we were going to put them in this new department, but they were going to bring their budgets with them, and it wasn't supposed to necessarily increase.

I think that is originally how the legislation was looked at and how it was passed and, I think, implemented. And then over the years we have increased a little here and a little there for programs, but overall, not a lot of money—from my standpoint, and maybe it is because I sit on the defense committee, also, but when I look at it, I haven't seen a lot of resources really dedicated to homeland security.

In your opinion, is that right, that it was sort of revenue neutral, in a sense, when it was created and it has been augmented?

Mr. WALKER. Well, I would have to let Undersecretary Schneider talk about what their budget has been. I don't have that off the top of my head.

My understanding is, initially, it was basically neutral, but over time, they have received additional resources. So the question is how much do they have and then how much flexibility do they have with regard to the utilization of those resources.

So it is not just how much money you give them and how many people you give them, but how much flexibility they have to be able to allocate that money and allocate those people to add the most value and mitigate the most risk, and that is important, as well.

Ms. SANCHEZ. Mr. Schneider?

Mr. SCHNEIDER. Yes. Congresswoman, my understanding is when the department was set up, it was basically revenue neutral. We have, over the past 3 years or so, our budgets have gone up quite a bit in certain areas, and we can obviously get you the numbers.

Some of those areas are where it was basically we put in the budget and it was authorized and appropriated by Congress, some of the major modernization programs. The Deepwater program is

about $1 billion a year. SBInet or SBI, I should say, is over $1 billion a year. A lot of the increases in manning in terms of border patrol agents, ICE agents and the like, increase of our efforts in the fugitive operations with ICE in terms of detention and removal capability all has basically received augmentation of funds.

So our resources have gone up over the years in those areas, those major mission areas that the comptroller general talked about, where we have made a fair amount of progress, more so than, as he indicated, in the management area.

Ms. SANCHEZ. I am just thinking of some of the frustration, also, with the department that many of us have, my colleagues, for example, people waiting to get their green cards or to do their work visas, 7 or 10 years or what have you on some of these programs.

It just seems like maybe the Congress didn't put moneys toward or augmented those programs, but there are a lot of decent people waiting for this department to get some of this done, and we just don't see it happening fast enough.

Mr. SCHNEIDER. If I may, the areas where we are trying to build, if you will, are some of our major transformation efforts, and it is not just hiring more agents.

We know, for example, Customs and Immigration Services, we have antiquated capabilities. When I first met with the director, he told me, "Picture the 'Indiana Jones' first movie, where, at the end of the movie, the Ark is put in this big underground cave with miles and miles of files that are paper files."

He said, "Paul, picture that." He said, "That is the situation we have in terms of modernization." So we embarked on trying to modernize CIS using different business models, information technology and the like.

So we have a long way to go, as the comptroller general indicates, in these areas and that is where we are starting to increase our focus. That is where we are properly evaluated fairly low, quite frankly, and that is where we know we have a substantial amount of work to do.

Ms. SANCHEZ. Thank you, Mr. Schneider.

Seeing no other Republican on your side, I will go to Ms. Harman.

Ms. HARMAN. Thank you, Madam Chair.

Ms. SANCHEZ. For 5 minutes.

Ms. HARMAN. Welcome to our witnesses.

This morning, the director of national intelligence, Mike McConnell, testified before the House Judiciary Committee on FISA, an issue that I, for one member of Congress, hope we deal with seriously and modify.

But at any rate, in the course of his testimony, he was outlining the threat to the homeland and, in part, he said, "Al-Qa'ida is and will remain the most serious terrorist threat to the homeland. Al-Qa'ida will continue to enhance its capabilities. Al-Qa'ida's homeland planning is likely to continue to focus on prominent political, economic and infrastructure targets, with the goal of producing mass casualties. Al-Qa'ida will continue to try to acquire and employ chemical, biological, radiological and nuclear material in its attacks," and then he talks about how Lebanese Hezbollah also may consider homeland attacks.

I mention this because the threat, in my view and his view and the view of many others, is real and it is right now, which is why this hearing has urgency.

I am wondering, if I were a hardworking employee of the Department of Homeland Security, listening to this hearing, how I would feel right now. I think most of the people who work at DHS in the various departments think they are a real threat to the homeland.

I think certainly most of them try very hard to get their jobs right. But if I were tuning in from DHS, I might throw my hands up and say, "Oh, my god, this is impossible. This is never going to get right, and I am working this hard, and I won't be able to succeed."

I mention that not because I think we shouldn't ask the tough questions, but I think we have got to work harder together to provide a path forward.

I had this conversation with David Walker when we came in to the hearing and he agrees, and I know you agree, Mr. Schneider. We have to work harder together to find a way forward immediately, to share information adequately, to do all the maritime security fixes that the chairman was just talking about, and to fix bigger problem areas.

And so I think it would be productive if each of you addressed that. It is a message to the employees of DHS. How are we going to find a path forward together to fix the urgent problems?

And let me just add a p.s. before you answer that. I don't want to go over my time, out of respect for other members.

My p.s. is I think we were over ambitious in what we did setting up the department. I voted for it. I was part of a hardy little bipartisan band that wanted us to create a homeland function.

None of us was as ambitious as this department is. The concept for this department was designed in the Bush White House by then Chief of Staff Andy Card, who presented it to Congress, and, basically, we knew that that was the train leaving the station. So if we wanted reform, we would have to take this.

I think it is over ambitious. Nevertheless, it is what it is, as they say.

So please address my one question, which is how do we send a message to homeland department employees that we will find a path forward together to fix these urgent problems before we have another serious catastrophic attack on the homeland, hopefully?

Mr. SCHNEIDER. I will start. First, that is a question that most of us in leadership think about, I would say, every day. I mean, 9/11 was an awesome impact.

I worked in the Pentagon at that time. I know where the plane hit, wiped out the Navy communications center. I was the principal deputy assistant secretary of the Navy. I know people who died, and I know people whose lives were changed forever.

At that point in time, I came to the conclusion, having grown up in the Cold War and doing this duck-and-cover drills in school, I recognized that our lives would never be the same.

And so what we do is, and all the leadership does this, is we continuously talk to our people. We say we are in this for the long haul. We tell them, "Don't expect giant increases in progress." The fact of the matter is we are in this for the long haul, and so what

we try and do, quite frankly, and we do it by publishing information, passing words with Web sites, information with Web sites, we celebrate incremental progress.

Ms. HARMAN. I do think it is very important, too, that we push harder together to achieve, to fill some of these obvious demonstrated gaps.

Mr. Walker?

Mr. WALKER. First, homeland security has a critically important mission for the United States. It is part of our basic security and self-preservation needs. It doesn't get much more fundamental than that.

It is clearly something that is envisioned that the federal government would have an important role in under the Constitution.

We have got tens of thousands of hardworking people doing their best day in and day out. They need to continue to do their best. That is all we can expect them to do.

They need to understand that it is going to take time in order to achieve this major merger, integration and transformation effort. They need to keep their chin up, and we need to try to make sure that we recognize their progress, and that it is going to take time to achieve everything that is necessary.

Ms. HARMAN. Well, my time has expired.

I agree, in part, but I disagree with respect to the message just that it is going to take time.

I think the other message has to be we will help focus this so that, in real time, immediately, you can achieve more progress in certain key vulnerable areas in America.

Thank you.

Mr. WALKER. Can I come back real quick, Ms. Harman?

I think it is really important that we pick our priorities well. You have got to target based upon value and risk. You have to allocate financial, human and other resources to make progress there, and you need to be able to demonstrate that that progress is being made, and that is how people can feel that they are making a difference, and they are making a difference.

Ms. SANCHEZ. I thank my colleague from California.

And I yield 5 minutes to Ms. Lowey of New York.

Mrs. LOWEY. I thank our chair.

Mr. Walker, Mr. Schneider, I appreciate your testimony. I am sorry that Deputy Secretary Jackson put you in this position after just 9 months.

And it seems to me that, once again, the department is just passing the buck and instead of admitting that its goals have not been met and creating a plan to make our country more secure, what we are hearing from DHS is excuses and you are saying, "Yes, we try harder," and then they are claiming that the methodology GAO used is faulty.

Everyone knows on this committee, we all know it and we all want to work together and, as a New Yorker, I want to tell you, I am impatient, because I know there are possible threats out here. And I don't want to see "I will give you an 'I' for improvement."

I have to tell you something. When my kids were in elementary school, they knew that if we saw "I-needs improvement," it doesn't mean an "A" or an "A+" or a "B."

So we need to see real improvement here and we all know, as I said, that the job of this department is difficult, whether we voted for it or we didn't vote for it.

However, I would have more confidence in this administration's ability to make us more secure if the problems were recognized and you were working to fix them. Instead, we get from the department finger-pointing.

And as I read Undersecretary Schneider's testimony, the aspect, frankly, that stood out the most is that it is little more than an excuse. There is no plan for how the problems will be addressed.

So I just want to make it very clear, before I get to a specific question, that if September 11 taught us anything, it should be that our enemies are well funded, they are well financed, and they are very patient.

This is a painful pill to swallow, especially for me as a New Yorker, who has been to more funerals and wakes than you can ever have imagined. But we must recognize that it is not good enough to secure a few sectors, but leave gaping security gaps in others.

And what you are telling me about the files, that we are living in the stone age, why hasn't someone gotten it done? There are technology companies. If Microsoft said, "Well, I am so sorry, I can't fix this. All the files are in a cave someplace," they would be out of business.

So I am very troubled specifically by the fact that the area in which the department performed the worst was in emergency preparedness and response. The underlying reason, frankly, Mr. Schneider or Mr. Walker, probably Mr. Schneider, because Mr. Jackson isn't here, the underlying reason for the formation of the department was a terrorist attack.

And out of 24 performance expectations, the department has only achieved five. Yet, Undersecretary Schneider's testimony highlights the critical role of defending against, and I am quoting, "preparing for and responding to threats and disasters."

There seems to be a major disconnect between the two, particularly when you consider the indisputable fact that the department failed in its response to the first major test, Hurricane Katrina, and that just last week, it released a national response framework, many months after its own self-imposed deadline, that was widely criticized by state and local emergency managers.

I am not even sure where to begin with questions, because we can go on and on, and my time is running out.

But, Undersecretary Schneider, can you elaborate how defending against, preparing for and responding to threats and disasters is a success, when GAO gave the department such poor marks on emergency management?

Mr. SCHNEIDER. Yes, Congresswoman. First, for point of info, I was born and bred in Brooklyn, okay?

Mrs. LOWEY. I was born and bred in the Bronx, and in the Bronx, we need instantaneous success. How about Brooklyn? Seriously, seriously, I know you——

Mr. SCHNEIDER. I want to be——

Mrs. LOWEY. Let me just say this. I have heard Mr. Walker testify and he is being very kind, and I know there are thousands of

good people at the Department of Homeland Security and we salute them.

I also serve on the Appropriations Committee, and I know that the department has gotten more money than has been requested by the administration.

So rather than excuses, maybe you can come back next time or submit in writing to us what you are doing to correct this, not saying that "We didn't agree on the plan or the criteria." It doesn't make any sense.

Mr. SCHNEIDER. Could I just have a minute, please?

Mrs. LOWEY. Yes.

Mr. SCHNEIDER. And I will come back to you in writing. But what I would like to say is this. I think the words, and this is where I think we basically agree, I think the words in the GAO assessments, the actual detailed words that describe what they think our progress has been is fairly accurate.

What happens and our issue is not with so much their description of our progress to date, but how it is labeled. So one of the challenges I have, and when people in the department ask me about "What do you do about these poor grades," I say, "Read the detailed words of the progress."

The national response plan is a classic example, okay? We flat out disagree with the two ratings. And the reason we disagree is when you read the GAO's own words about what we have done with the national response plan, the fact of the matter is, I submit, most people would read those words and say, "They have made progress in a very critical area."

I couldn't agree with you more that that mission area, emergency preparedness and response, is one of the most critical areas. And I think the comptroller said it, I couldn't say it better than him, one of the reasons why we are going to mutually work on seeing if we can come up with a different set of criteria is, as he says, to come up with a better way to accurately describe the progress that is been made to date.

That is why I say don't look at the grade, look at the words.

Mr. WALKER. Can I?

Mrs. LOWEY. I am out of time and it is up to the chair if she wants Mr. Walker to answer.

Mr. WALKER. Madam Chair, can I quickly? It won't take more than 30 seconds, I promise.

Ms. SANCHEZ. Thirty seconds, Mr. Walker, just because you are such a nice guy.

Mr. WALKER. Thirty seconds. First, one of the reasons that we have not been able to get more comfortable with emergency preparedness and response is we haven't been able to observe the exercises.

The exercises are being done to help demonstrate to us directly what they have done. Hopefully, we now have a breakthrough with the letter from Secretary Chertoff that I received this morning.

Secondly, interoperable communications continues to be a major challenge and that is one of the areas that we really want to take a look at as part of this observation.

Thank you.

Ms. SANCHEZ. Thank you, Mr. Walker.

Mrs. LOWEY. Let me just thank you, and I am sorry that I am impatient, but, frankly, we know that we have to get this right and, as my colleague said, we have to work together. And I don't think we can afford to get "I's" on most of the various areas that you have been reviewing. We need to get "E" and know that our people are safe in the Bronx and Brooklyn and Westchester and throughout the country.

And I thank you. Thank you for your indulgence.

Ms. SANCHEZ. You are welcome.

Mr. Green of Texas for 5 minutes.

Mr. GREEN. Thank you, Madam Chair, and I thank the ranking member, as well.

And thank you, men, for appearing today. You each have very difficult jobs.

Mr. Walker, your job is exceedingly difficult because you have to evaluate and your evaluation has to have meaning. So I appreciate where you are.

Mr. Schneider, 9 months on the job and here you are. God bless you. You have a difficult job, too. Apparently, someone thought that baptism by fire was a great way to get you inculcated into the proper mindset. So thank you for coming today.

Mr. Walker, you indicated that DHS is a high risk area. Is this true?

Mr. WALKER. That the implementation and transformation of the new Department of Homeland Security is a high risk endeavor. It is on GAO's high risk list.

Mr. GREEN. Would you just define that for me, please? What does that mean, high risk?

Mr. WALKER. High risk means higher risk of fraud, waste, abuse or mismanagement, higher risk of not being able to effectively achieve its mission, higher risk of not being able to do it in an economical, efficient and effective manner.

And, in fact, one of the real concerns I have about DHS is that they don't end up being where DOD is today. DOD is very effective on mission, but they waste billions of dollars every year.

Mr. GREEN. And Mr. Schneider indicated that your methodology, your system has gone from a pass-fail to an A-fail.

Is that what you said, Mr. Schneider?

Mr. SCHNEIDER. Yes, sir.

Mr. GREEN. Mr. Walker, my assumption is that you don't entirely agree with that. So would you give us an explanation for why you contend—maybe we will start with Mr. Schneider.

Mr. Schneider, starting with you, give us an explanation for why you contend that it has gone from a pass-fail to an A-fail, and then I would like to hear your response, Mr. Walker.

Mr. SCHNEIDER. Sure. I will give you one example. Any multiyear program, and many of our programs are multiyear programs, especially in the mission areas, it is going to take many years to achieve the results.

And even actually in some of the administrative areas, like internal controls for financial management, it will probably take us out through fiscal year 2010.

So the fact is before we have actually completed the total effort, it is going to take several years. The words in the report, in many

cases or in most cases, do a pretty good job of actually describing they have done this, they have started this, but it is going to take a lot of years to go through this, so it is generally not achieved.

Whereas our belief is if you use the term "generally addressed," that term in itself implies some degree of progress, and that is the issue that the comptroller general and I are going to work on for the future.

So if you have an SBInet program, for example, which is absolutely key, a multibillion dollar program for securing our borders, the fact of the matter is that in 10 months, we have Project 28 up and running. We know what the technical issues are with the system. We know what we have to do to fix it.

I happen to think, from a technology, development and fielding standpoint, that is not all bad. In fact, one could look at it as good. But the fact of the matter is, because it is a multiyear program, the fact is it is generally not addressed.

So that is kind of like "A" or fail, as opposed to generally achieved or generally not achieved, as opposed to generally addressed. And you can go into some of these other criteria.

Mr. GREEN. I am going to have to give Mr. Walker some time to respond.

Mr. WALKER. Let me try to be brief, and let me come back to something that every member of this committee should be familiar with.

The Congress asked GAO to evaluate the status of progress on the 18 benchmarks in Iraq and when the Congress asked us to do that, which I testified on on numerous occasions 2 weeks ago, they said they wanted us to tell them whether or not they were met or not met.

We basically used that type of approach in coming up with this evaluation for the Department of Homeland Security. We also used descriptive language to try to provide some context and contextual sophistication, where even if we showed that there was not significant progress, to help describe what had been done.

In my view, what is important is not what we have done in the past, although we stand by what we have done, it is to recognize that, going forward, we have agreed that we are going to come up with an approach that will recognize two things, which Ms. Lowey talked about, as well.

One, where do you stand on result, have you achieved it or not, and, secondly, whether or not you are making meaningful progress, which would allow us to be able to consider complexity, whether or not it is likely to be a multiyear effort, more than we were able to under this methodology.

Mr. GREEN. Thank you. My time has expired. Thank you, Madam Chair. I yield back.

Ms. SANCHEZ. Next, we will hear from Ms. Clarke of New York for 5 minutes.

Ms. CLARKE. Thank you very much, Madam Chair.

I would like to just state for the record that I would like to associate my comments with those of Congresswoman Lowey.

I am a new member, and I am here about the same amount of time you have, Mr. Schneider, and I have to tell you I haven't sat here very comforted by knowing that this agency has moved in a

direction that I think the people of the United States would like to see it go, given the fact that the agency was stood up in March of 2003.

In March of 2008, which is just around the corner, it will have been 5 years and based on what Mr. Walker has said about new agencies and coming together in culture, we are talking about typically 7 years.

Now, this is a mega agency, and I think everyone recognizes that, but when you look at the assessment, progress of mission and management areas, they don't indicate that we are anywhere near where we should be given the fact that typically you could say, by the 7th year, okay, we are on firm ground.

I would like to just really reiterate the concern that we have, particularly in the area of emergency preparedness. I looked at, also, the area of science and technology, which are critical areas, human capital management.

I mean, to have constant turnover in DHS doesn't help anyone, because how do you get institutional memory? How do you retain institutional memory? How do you keep the wherewithal, the intellect and the talent in place that then builds upon the culture that you are trying to create?

These are critical areas that I don't think we can waste any time at really addressing and trying to solidify. And I have been here the same amount of time as you have. There have been reports that have been requested by this committee that have yet to be completed.

There just seems to be some sort of malaise within the agency that I think is really critical that we get past.

Having said that, I know that you have an awesome task ahead of you and an awesome mission and I certainly don't want to be one to discourage. I want to be one to encourage.

So I want to encourage you to go back, speak to your colleagues and let them know that there are a lot of people pulling for them out here. This is a critical area for us to emerge from as experts.

The American people deserve it, they require it, and I don't think they will stand for anything less than that.

One of the areas that has concerned me is the area of border protection, because I have been here and I have listened to a lot of the concerns, particularly with respect to the southern border.

I wanted to know whether we have invested—and I will ask Comptroller Walker, perhaps in some of your review, you can give us a sense of this, about how we are doing with our border with Canada and what many would term as the third border in the Caribbean.

It appears as though, oftentimes, we focus primarily on the Mexican border and when you look at the performance of DHS and border security, it appears that DHS met expectations equally at each of these borders or does it appear that the expectations have been better met at the southern border, while the other borders have received less attention?

Mr. WALKER. Thank you very much for that question. There is no question that there has been significantly more time and effort, financial resources and human resources focused on the southern

border, because we are not only concerned with regard to homeland security, we are also concerned with illegal immigration.

That is also a major policy issue for the Congress, as well.

Whereas with regard to the northern border, the primary concern, for a variety of reasons, is security. And the Caribbean, we have done a little bit of work there, not much. We have done more work with regard to the Canadian border and, clearly, as we have reported, most of the time and effort and energy has been focused on the southern border. And we can't forget about our other borders as it relates to security considerations.

Although one has to also consider how easy it is to get into those countries, too. It is easier to get into Mexico than it is to get into Canada if you do it legally.

Mr. SCHNEIDER. We have implemented, through the Customs and Border Protection organization of the department, border security evaluation teams in all eight northern border sectors in order to provide some security in those areas where they were previously too remote to have been monitored.

We are also partnering with the Canadian government in several endeavors, what we call the integrated border enforcement team, basically interdicting certain persons and organizations that might pose a threat to national security or be involved in criminal activity.

Ms. CLARKE. My time has expired. Thank you, Madam Chair.

Ms. SANCHEZ. You are welcome, Ms. Clarke.

Mr. Langevin for 5 minutes.

Mr. LANGEVIN. Thank you, Madam Chair.

Gentlemen, thank you for being here today, for your testimony.

Mr. Schneider, I would like to start with you, if I could. As you know, I am very concerned about the ASP program within DNDO.

As chairman of the Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, it is my job to oversee the DNDO, and I am anxious to see that we get the next generation of radiation portal monitors deployed as quickly as possible.

At the same, of course, we have to make sure that we are being good stewards of taxpayer dollars and we are getting what we pay for and that these ASP detectors are markedly better than the first generation detectors that have already been deployed.

This program, obviously, is far too important to fail and we, therefore, have to ensure that the review process that is ongoing right now is conducted with the highest levels of security and scrutiny and due diligence.

I know that you and Mr. Oxford were at a hearing this morning to discuss this topic before the Energy and Commerce, one of the subcommittees there. I have a few questions that I would like to ask you about this critical program.

First, could you please explain the certification process required by the secretary? I wanted to delve into that a bit.

And, also, can you give us an update on the independent review team that you commissioned? I understand that Pete Nanos of DTRA was initially asked to head that effort, but then you requested John Higby from the Defense Acquisition University lead the charge.

I understand that Mr. Higby is no longer taking the lead. So my question is who has been named to head the review team now and why were the first two people replaced?

In addition, are the rest of the team members the same? And when will the review team be done with their review?

Mr. SCHNEIDER. Okay, let's start with your first question about the certification.

Mr. LANGEVIN. Yes, the certification process.

Mr. SCHNEIDER. The certification is required by some legislation, I forget whether it is the Appropriations Act or not, but it basically requires the secretary, Chertoff, to certify that the performance of the advanced spectroscopic portal, ASP, that its performance is significantly—I think the correct words in the legislation are either significantly or substantially better than the existing radiation portal monitors, which is the polyvinyl toluene sensors.

So he is required by law to make a certification. The process that we have in place is, as you are very much familiar, Congressman, is a whole series of testing that started with contractor tests, specifically, Northwest tests, various types of level one and level two, I guess level three testing, all the way up to now what we have, these ASP monitors at several CBP ports for field evaluation.

So the idea is that when the Customs and Border Protection, who is the user, the customer, of the ASP is satisfied that they have acquired enough data to make a recommendation to the secretary, at that point in time, our plan is to go forth with a recommendation—that recommendation could be positive or negative, depending upon what the consolidated test data lays out—for the secretary to make a certification.

That is a separate and distinct act from a decision on the part of the department to go into full scale production and deployment. So that is the sequence and that is required by law.

For the timing, let me just—it is convenient here. Originally, there was a rough estimate that the results of the testing would be made available to the secretary, I think, sometime around September 21. Based on a meeting that I had with the head of DNDO and the deputy commissioner from border protection, the conclusion at that point in time, based on a recommendation from the deputy commissioner, was that he wanted an additional 2 months of testing, roughly starting around the first week or so of September, after an updated software load was made to the system.

Mr. LANGEVIN. The secretary of the director of DNDO?

Mr. SCHNEIDER. The deputy commissioner for CBP.

Mr. LANGEVIN. Okay.

Mr. SCHNEIDER. Again, as I said, he is the customer or the operational user.

Mr. LANGEVIN. I understand.

Mr. SCHNEIDER. He specifically requested an additional 2 months of field validation testing once this updated software load was made. The estimate, and I forget the exact date of that conversation, but the updated software was supposed to delivered I think roughly around the first or so of September.

So if you go forward roughly 2 months, he wanted at least through the end of October, early November to get additional field validation testing. And so, obviously, any schedules that might

have been predicated on the third week in September secretarial decision have been pushed to the right.

We are right now in the process of trying to figure out what our schedules will be, either for the completion of the field validation testing going forth to the secretary for secretarial certification, and then what would be our action regarding convening what we call an investment review board, which is the board the department uses for making major investment decisions, to consider whether or not the department is willing to spend the bucks to actually go into full production on these systems.

So that is the sequence on that.

With regard to the independent review, frankly, I am absolutely amazed about all of the external scrutiny that I have been given about the external review. It originated with me. It was my idea. It was based on my review of the ASP program in late July, my review of the GAO documentation.

I immediately realized there was a difference of views, if you will, regarding testing, the amount of testing that has been accomplished, the amount of testing that will be accomplished, the issue about sources used, sources not used.

And I come from a world in the Department of Defense where it is not an uncommon process when you have to make a major decision like that to go out and get some independent sets of eyes. So that is what I did.

I went to see the secretary. I said, "We need to get an independent group of people," independent in terms of independent from DNDO, and that is what I did.

Do you want me to finish up?

Dr. Nanos, nuclear physicist, Ph.D., and I asked him to assemble a team. This was not directed to be a DTRA study. Rather, he, as an individual, associate director, put together a team of experts and go do this study.

As it turned out, subsequently, he had to withdraw. It was based on him and his management. I just accepted it at face value. I was, frankly, in a schedule press, given the fact that I was working to what was then a September 21 deadline.

We have a cooperate arrangement with Defense Acquisition University. We work very closely with them. They do this type of work. I asked Mr. Higby do this. He agreed and we started to spin up.

It was shortly, around last Wednesday, when it became evident to me that he was a possible contender for a job in DHS, that I decided to remove him.

I might point out that there was no conflict of interest. He had no financial interest. He had no technology interest. In fact, after the hearing this morning, the staff of E&C told me they really liked the fact that he was the guy.

I was gun shy, quite frankly, of all the external scrutiny I have been given and, in some cases, you can say the micromanagement of this effort, and I elected to not take a chance and removed him.

I subsequently, on Friday morning, decided to take the number two individual at the Homeland Security Institute. The Homeland Security Institute is the department's federally-funded research and development center.

This is the kind of work that FFRDCs do. They do it for the Army, they do it for the Navy, they do it for the Air Force, they do it for the FAA. So that is how I settled on Mr. Thompson and he is up and running.

Ms. SANCHEZ. Thank you, Mr. Schneider.

Mr. Rogers has a quick question for you all.

Mr. ROGERS. Thank you very much. I want to revisit this consolidation of oversight issue.

As you all know, the 9/11 commission recommended that we develop a single point of principal oversight in each chamber for the department.

There have been several references made today that Mr. Schneider is in his 9th month in his current job, 34–35 weeks you have been with us, and I think this is the third time you have testified before the committee when I have been in here.

How many times since you have been in your position have you testified before Congress?

Mr. SCHNEIDER. I have to check, but I think it is about 11. I think this is the 11th hearing. I am really not sure.

Mr. ROGERS. So more than once a month since you have been here.

Mr. SCHNEIDER. Yes. And today I was basically grilled for 3 hours this morning.

Mr. ROGERS. How much time do you put into preparing for this testimony each time?

Mr. SCHNEIDER. It depends, Congressman. If it is testimony that is directly relevant to my main line of business, not a lot. I had to spend a tremendous amount of time for the hearing this morning, and the main reason is I found out on I think it was either Wednesday night or Thursday morning, I had to get my testimony written by Friday.

I wrote my testimony for that hearing. I had to go read a tremendous amount of information over the weekend so I could get prepared.

So some of them require more than others. I had to testify twice in front of the Small Business Committee, frankly, once down in New Orleans at a field hearing, once up here. And while we respectfully tried to get out of that hearing, and the reason was they were really more interested—I mean, the subject of the hearing was, operationally, what happened with contracting on the ground in New Orleans.

Well, I am not directly responsible for that. And we offered several other people who were much closer to that, and it was denied on every attempt and, quite frankly, there was pretty much of an inference that if I didn't testify, that I would be subpoenaed.

For hearings like that, where I am not a small business expert, by law, the small business director works directly for the secretary, I spent an inordinate amount of time getting ready for those two particular hearings.

So it varies.

Mr. ROGERS. I note in the chart that we submitted for the committee there are 86 full committees and subcommittees that have some oversight jurisdiction.

Mr. Walker, in your testimony or in answer to one of your questions, you made reference to the fact that there are a lot of people trying to get information from DHS simultaneously, and I think you made that statement in reference to the fact that they have been a little slow getting responses to you, but you acknowledge that is the reason why.

Tell me how much, in your opinion, based on your analysis, your recent analysis of the department, they would be able to better deal with their tasks if they didn't have 86 committees and subcommittees of Congress asking them for information.

Mr. WALKER. First, I would say, Congressman Rogers, as you know, we work for the institution of the Congress. So the extent they cooperate with us, our information is made available to everybody in the Congress. So there is a benefit to cooperate with us.

Secondly, there is absolutely no question that they could achieve a lot more focus on mission and improve responsiveness, should they so desire, if they didn't have as many players they had to deal with.

Now, as you know, I work for the Congress, and the Congress, frankly, is not a model of efficiency. The Congress is a lag indicator on efficiency, and I think that there is a need for the Congress to look at its alignment and see whether or not it is properly aligned to best discharge its constitutional responsibilities for the 21st century, and this is clearly one area that deserves additional consideration.

Mr. ROGERS. Well, I agree and that is the reason I bring the issue up. I know the chairman of this committee and the ranking member of this full committee have both agreed that we have got to follow through on the 9/11 commission's recommendation that we consolidate oversight.

Obviously, this is the committee that should have primary jurisdiction on the authorizing side in this chamber and then similarly in the Senate. But it has taken far too much time, in my opinion, from the department's management to deal with all the various committees that have jurisdiction over them and it takes time away from their ability to do their job.

But with that, I will be quiet and thank the chairlady for the time.

Ms. SANCHEZ. Thank you, Mr. Rogers.

And now I will recognize Ms. Jackson Lee of Texas for 5 minutes.

Ms. JACKSON LEE. Thank you very much. And let me thank Secretary Schneider and certainly our busy head of the GAO. I think we have seen each other a number of times. So I think you have equal opportunity to be in front of members of Congress.

Why don't I follow up on the line of questioning, Mr. Walker, that my good friend from Alabama has just begun with and indicate that I believe this committee sent a letter asking for an assessment by the GAO of how we could be more efficient or the negative impact of the extensive jurisdictional maze that this particular department is subjected to.

So let me try to stand in the place of that letter and have you expand just a little bit more.

I do understand that you are not only working for Congress, but you are a creature of Congress, to a certain extent. But you have

been in front of committees when we have applauded you, because, rightly so, a parent created a child, but in many instances, it may be important for either one to chastise the other one based upon their knowledge.

I, frankly, believe that it is not a question of sensitivity. It is a question, if you will, of undermining the security of this nation.

This is, in essence, an abomination. The idea of the Homeland Security Department, of which I was a member of the select committee, was to provide synergism or consensus or energy around a certain point.

So I would ask you not maybe the direct question of my colleague, but I want to know the negative impact on security you can predict just by looking at this maze.

You have indicated what that might suggest. But what brings about a better ordering of the department, the ability to have limited entities of which it is subjected to oversight, because I don't want to abdicate and give up any oversight responsibilities.

I certainly applaud this committee and all of the other committees as we have changed leadership in this House that have engaged in its oversight responsibilities. But tell me the negative impact on, if you will, security with this kind of structure in place.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON-LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

"WE MUST KEEP DHS ACCOUNTABLE FOR POTENTIAL SECURITY GAPS IN ORDER TO FULLY PROTECT OUR NATION"

"Under the Homeland Security Act of 2002, The Department of Homeland Security and its Secretary are responsible for preventing and deterring terrorist attacks and responding to threats and hazards to the nation," stated Congresswoman Sheila Jackson Lee. "In examining the performance of the department, several pressing and critical issues have surfaced."

In addition to the high vacancy rate in the upper management position, an issue of particular concern continues to be the number of important programs that have not met their deadlines," added Congresswoman Sheila Jackson Lee. "The recent government Accountability Office findings concluded that the Department met less than 25%, or only five of the twenty-four emergency preparedness and response performance expectations. We must make sure that the department in working at the highest level of efficiency to protect this nation."

As Chair of the House Homeland Security Subcommittee on Transportation Security and Infrastructure Protection, I will be working to help make sure that the Department of Homeland Security continues to operate at the highest level of proficiency and efficiency to protect the citizens of the United States of America.

Mr. WALKER. Well, first, this schematic is probably speaks loudly. The only schematic that I have seen that is more troubling is the financial management systems at the Department of Defense, which are also a mess.

I think the bottom line is the Congress needs to consolidate and integrate its responsibilities with regard to the Department of Homeland Security, not abdicate. And if you have fewer——

Ms. JACKSON LEE. Excellent.

Mr. WALKER. —if you have fewer that are focused, I think that, A, you will be able to discharge your constitutional responsibilities more efficiently and effectively and, secondly, it would allow more time for the department to be able to accomplish its mission.

But it would be impossible for me to tell you with any degree of reliability, consistent with GAO standards, as to exactly how much more secure that would make the country.

Ms. JACKSON LEE. Well, you have already said it is a mess and, certainly, messes cannot ensure security for any nation. And so I think we do have a challenge here.

But what you did say is that Congress needs to focus and that it does impede and can possibly impede the security of this nation only because of the maze which we are seeing here. Oversight is our responsibility.

Let me, Mr. Schneider, go to you and recognize that you have been here 9 months, but also recognize that one of the elements of criticism of the GAO was the fact that we have not completely hired all of those that we need to hire.

Let me quickly ask you these questions.

We have heard, for a very long period of time, we have gotten $250 million committed to the US–VISIT program since 2003. We have asked for a functioning biometric exit system.

In June, the GAO testified before the committee that the prospects were, I am paraphrasing, "strange, at best, unclear, absent."

Can you tell me what is happening with that exit program, the biometric exit program? And let me give you this other, quickly. You indicated you just got here in January. We asked you about the TWIC card just last week, on one of your many visits to Congress, and you basically said, "I don't know."

That is frightening. At least we have captured this from your testimony. You have a chance to clear up the record.

How much money has the department spent to date on the TWIC initiative? You have got employees across America frightened and waiting for some kind of answer. And how much money will you need to spend to complete its rollout?

Mr. SCHNEIDER. First off, on the TWIC, at the hearing in front of the Senate, very specifically, Senator Collins asked me a series of questions on TWIC. I gave her what I thought was a pretty comprehensive status of the TWIC program in terms of where we are, in terms of the notice of the proposed rule.

I explained in a fair amount of detail the technical problems that we were having with the card. I explained the fact that I chair a biweekly meeting that goes into excruciating detail on the progress of TWIC, that I thought we were just at the point of having all the——

Ms. JACKSON LEE. When do you project the rollout?

Mr. SCHNEIDER. My next meeting is Friday and our plan is, shortly, on the assumption that we complete successfully the N10 system test this week or next week, it will be shortly after the first part of October in the Port of Wilmington.

That is predicated on——

Ms. JACKSON LEE. The first of October?

Mr. SCHNEIDER. Yes.

Ms. JACKSON LEE. That is a big announcement.

Mr. SCHNEIDER. Well, I told her that I would come back and see her with the details. One of the things that we do, quite frankly, is sometimes we announce these dates way in advance of when we probably should to have confidence in hand.

We have deliberately not published any dates, because publishing a date and then going through an end-to-end verification test and then finding out you have problems you have to fix.

During the hearing, I explained some of the problems we were having with getting the software to make the printers work. We had problems with 1–D barcodes. We had all kinds of problems and the fact of the matter is we believe we have most of those technical problems in hand.

So we were reluctant to publish a date, raise the level of expectations and then find out we are off by a week or so.

So that is why we had deliberately not done that. I committed to the Senator and I will commit to you that——

Ms. JACKSON LEE. Thank you.

Mr. SCHNEIDER. ——after my next meeting, I will come and go through the details, explain to you where we are and the detailed schedules.

Ms. JACKSON LEE. Madam Chair, can he answer the biometric question he did not answer?

Mr. Secretary?

Mr. SCHNEIDER. Yes. I know we have a substantial amount of activity. I cannot provide you right here and now the details of how we are handling exit.

I realize it is an issue. I know we have been asked lots of questions. I am not aware of the details.

Ms. JACKSON LEE. You can come back to this committee or provide that information back.

Mr. SCHNEIDER. Yes. I will gladly provide that information to you.

Ms. JACKSON LEE. I yield back. Thank you.

Ms. SANCHEZ. I thank the gentlewoman from Texas.

I thank Comptroller General Walker and Undersecretary Schneider for their valuable testimony and the members for their questions.

And as usual, the members of the committee may have additional questions for you and we will ask that you respond quickly to them in writing.

Hearing no further business, the committee stands adjourned.

[Whereupon, at 5:10 p.m., the committee was adjourned.]

Appendix I: Congressional Committee Oversight of DHS

Part I. In the 110th Congress, the following Congressional committees and subcommittees asserted DHS jurisdiction by holding hearings or otherwise exercising formal oversight activity. Accurate as of August 2007.

U.S House of Representatives

1. House Agriculture Committee
2. House Armed Services Committee
3. House Appropriations Committee
    4. Homeland Security Subcommittee
    5. Select Intelligence Oversight Panel Subcommittee
6. House Budget Committee
7. House Energy and Commerce Committee
    8. Commerce, Trade and Consumer Protection Subcommittee
    9. Environment and Hazardous Materials Subcommittee
    10. Health Subcommittee
    11. Oversight and Investigations Subcommittee
    12. Telecommunications and the Internet
13. House Financial Services Committee
    14. Oversight and Investigations
    15. Housing and Community
16. House Foreign Affairs Committee
    17. Europe
    18. Africa and Global Health
19. House Homeland Security Committee
    20. Border, Maritime and Global Counterterrorism Subcommittee
    21. Emergency Communications, Preparedness, and Response Subcommittee
    22. Emerging Threats, Cyber security, and Science and Technology Subcommittee
    23. Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee
    24. Management, Investigations, and Oversight Subcommittee
    25. Transportation Security and Infrastructure Protection Subcommittee
26. House Judiciary Committee
    27. Crime, Terrorism & Homeland Security
    28. Immigration, Citizenship, Refugees, Border Security, and International Law
    29. Commercial and Administrative Law
30. House Natural Resources Committee
    31. Fisheries, Wildlife, and Oceans Subcommittee
    32. National Parks, Forests, and Public Lands Subcommittee
    33. Water and Power Subcommittee
34. House Oversight and Government Reform Committee
    35. Government Management, Organization and Procurement
    36. Domestic Policy
37. House Permanent Select Committee on Intelligence
    38. Intelligence Community Management
    39. Terrorism, Human Intelligence, Analysis, and Counterintelligence
40. House Science and Technology Committee

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41. Investigations and Oversight Subcommittee
42. Technology and Innovation Subcommittee

43. House Small Business Committee

44. House Transportation and Infrastructure Committee
45. Aviation Subcommittee
46. Coast Guard and Maritime Transportation
47. Economic Development, Public Buildings and Emergency Management Subcommittee

48. House Ways and Means
49. Trade Subcommittee

U.S. SENATE

50. Senate Agriculture, Nutrition and Forestry

51. Senate Appropriations Committee
52. Homeland Security Subcommittee
53. Transportation, Housing and Urban Development, and Related Agencies Subcommittee
54. Commerce, Justice, Science, and Related Agencies Subcommittee

55. Senate Armed Services Committee

56. Senate Banking, Housing and Urban Affairs Committee

57. Senate Budget Committee

58. Senate Commerce, Science and Transportation Committee
59. Interstate Commerce, Trade, and Tourism
60. Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
61. Surface Transportation and Merchant Marine Infrastructure, Safety, and Security
62. Science, Technology and Innovation

63. Senate Energy and Nature Resources Committee
64. Public Lands and Forests Subcommittee

65. Senate Environment and Public Works Committee
66. Transportation Safety, Infrastructure Security, and Water Quality Subcommittee

67. Senate Finance Committee

68. Senate Foreign Relations Committee

69. Senate Health, Education, Labor and Pensions Committee

70. Senate Homeland Security and Governmental Affairs Committee
71. Disaster Recovery Subcommittee
72. Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
73. Oversight and Government Management, the Federal Workforce, and the District of Columbia Subcommittee
74. Permanent Subcommittee on Investigations
75. State, Local, and Private Sector Preparedness and Integration Subcommittee

76. Senate Judiciary Committee
77. Immigration, Border Security and Citizenship Subcommittee
78. Terrorism, Technology and Homeland Security Subcommittee
79. Human Rights and the Law Subcommittee
80. Senate Small Business and Entrepreneurship Committee

81. Senate Select Committee on Intelligence

82. Senate Small Business Committee

83. Senate Special Committee on Aging

Part II. In the 109th Congress, the following Congressional committees and subcommittees asserted DHS jurisdiction by holding hearings or otherwise exercising formal oversight activity.

U.S. HOUSE OF REPRESENTATIVES

1. House Armed Services Committee
2. Terrorism, Unconventional Threats & Capabilities Subcommittee

3. House Appropriations Committee

4. House Homeland Security Subcommittee

5. House Education & the Workforce Committee
6. 21st Century Competitiveness Subcommittee
7. Select Education Subcommittee

8. House Energy & Commerce Committee
9. Telecommunications and the Internet Subcommittee
10. Oversight and Investigations Subcommittee

11. House Financial Services Committee
12. Domestic & International Monetary Policy, Trade & Technology Subcommittee
13. Housing & Community Opportunity Subcommittee
14. Financial Institutions and Consumer Credit Subcommittee

15. House Government Reform Committee
16. Federal Workforce & Agency Organization Subcommittee
17. National Security, Emerging Threats & Intl Relations Subcommittee
18. Criminal Justice, Drug Policy & Human Resources Subcommittee
19. Government Management, Finance & Accountability Subcommittee
20. Regulatory Affairs Subcommittee

21. House Homeland Security Committee
22. Emergency Preparedness, Science & Technology Subcommittee
23. Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee
24. Economic Security, Infrastructure Protection, & Cyber security Subcommittee
25. Management, Integration & Oversight Subcommittee
26. Prevention of Nuclear & Biological Attack Subcommittee
27. Permanent Subcommittee on Investigations

28. House International Relations Committee
29. Africa, Global Human Rights, & International Operations Subcommittee
30. International Terrorism and Nonproliferation Subcommittee
31. Western Hemisphere Subcommittee

32. House Judiciary Committee
33. Commercial & Administrative Law Subcommittee
34. Constitution Subcommittee
35. Crime, Terrorism & Homeland Security Subcommittee
36. Immigration, Border Security & Claims Subcommittee

37. House Permanent Select Committee on Intelligence
38. Terrorism, Human Intelligence, Analysis & Counterterrorism Subcommittee

39. House Resources Committee
40. Fisheries & Oceans Subcommittee
41. National Parks Subcommittee
42. Water & Power Subcommittee

43. House Science Committee

44. House Small Business Committee
45. Regulatory Reform & Oversight Subcommittee
46. Workforce, Empowerment, & Government Programs Subcommittee

47. House Transportation & Infrastructure Committee
48. Aviation Subcommittee
49. Coast Guard & Maritime Transportation Subcommittee
50. Economic Development, Public Buildings & Emergency Management Subcommittee
51. Highways, Transit & Pipelines Subcommittee

52. House Veterans' Affairs Committee

53. House Ways & Means Committee
54. Oversight Subcommittee
55. Social Security Subcommittee
56. Trade Subcommittee

U.S. SENATE

57. Senate Agriculture, Nutrition, and Forestry Committee

58. Senate Appropriations Committee
59. Senate Homeland Security Subcommittee

60. Senate Armed Services Committee
61. Senate Banking, Housing & Urban Affairs Committee
62. Senate Commerce, Science & Transportation Committee
    63. Fisheries & the Coast Guard Subcommittee
    64. National Ocean Policy Study Subcommittee
    65. Disaster Prevention & Prediction Subcommittee
    66. Trade, Tourism, & Economic Development Subcommittee
67. Senate Energy & Natural Resources Committee
    68. Energy Subcommittee
69. Senate Environmental and Public Works Committee
    70. Transportation & Infrastructure Subcommittee
71. Senate Finance Committee
72. Senate Foreign Relations Committee
    73. East Asian and Pacific Affairs Subcommittee
    74. International Operations & Terrorism Subcommittee
    75. Western Hemisphere, Peace Corps & Narcotics Affairs Subcommittee
76. Senate Health, Education, Labor, & Pensions (HELP) Committee
    77. Bioterrorism Preparedness & Public Health Preparedness Subcommittee
78. Senate Homeland Security & Governmental Affairs Committee
    79. Federal Financial Management, Government Information & International Security Subcommittee
    80. Oversight of Government Management, Federal Workforce & DC Subcommittee
    81. Permanent Subcommittee on Investigations
82. Senate Judiciary
    83. Immigration, Border Security & Citizenship Subcommittee
    84. Terrorism, Technology & Homeland Security Subcommittee
85. Senate Select Committee on Intelligence
86. Senate Special Committee on Aging

Appendix II: Additional Questions and Responses

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

OCT 3 2007

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Thompson:

During my September 18, 2007 hearing before the House Committee on Homeland Security, you requested that I respond to specific questions regarding the Department of Homeland Security (DHS), Secure Border Initiative (SBI).

In response to your questions on the cost of the fence and the average cost per mile for the fence, for planning and budgeting purposes, DHS is using an average cost of $3 million per mile. The costs per mile will vary for each project depending on labor source, type of fence, terrain, and land acquisitions. As an example, when labor has been provided by the Department of Defense's Operation Jump Start, the average cost per mile has been $1.6 million. Using commercial labor, we have estimated the cost to be $3 million per mile.

In response to your request for information on performance bonuses associated with the Project 28 (P28) contract, the P28 task order is a $20.7 million firm fixed price type contract and does not include performance bonuses or incentive provisions. Payment is made to the contractor based on successful delivery and acceptance of the system, including nine defined milestones. To date, the contractor has successfully completed four milestones, and the government has paid Boeing $14.2 million.

If you have any further questions please contact Mr. Jeffrey Readinger, in the Office of Legislative Affairs at (202) 447-5462.

Sincerely,

Paul A. Schneider
Under Secretary for Management

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QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY

RESPONSES FROM THE HONORABLE PAUL A. SCHNEIDER

Question 1.: What new measures are being taken by the Department to ensure that Aviation Security Inspectors (ASIs) have the resources they need to increase the number of on-site inspections and ensure more visual documentation?

Is the Department considering amending the Annual Aviation Plan in order to allow more on-site inspections of air carriers?

Response: In fiscal (FY) 2007, the Transportation Security Administration's (TSA) air cargo program deployed over 100 additional vehicles at 51 airports to support the 300 Transportation Security Inspectors-Cargo (TSI–Cs). Additionally, TSA has initiated the hiring of 150 cargo inspectors who are to be deployed by July 2008. Vacancy announcements for 75 of the new positions have already closed and the selection process has begun. These additional resources will be deployed to high-volume airports and to those airports where cargo operations pose a higher degree of risk. Supplemental funds received in fiscal year 2007 will support the addition of 85 TSA proprietary canine teams. The teams will be led by a TSI–C Canine Handler and will concentrate their efforts on screening air cargo to be transported on passenger aircraft. As outlined in the fiscal year 2008 Regulatory Activities Plan, inspectors have been directed to increase inspection activity through observation techniques and interviewing, as opposed to document review.

Question 2.: Is the Department revisiting TSA's regulations and guidelines within their security programs and making the necessary changes in language in order to do away with their misinterpretation?

If so, what process is being implemented in the rewriting of these guidelines and regulations?

Is there an advisory group in place that can provide theoretical and practical experience when rewriting these guidelines?

Once these changes are made, what are the Department's plans to ensure proper training is implemented and enhance communication channels between ASIs and TSA?

Response: The Transportation Security Administration (TSA) is making revisions to current regulations in order to: (1) make substantive changes to the current regulations to enhance security requirements, and (2) clarify other parts of the regulations based on industry feedback to enable regulated parties to more easily understand and adhere to TSA security requirements. TSA utilizes the Aviation Security Advisory Committee (ASAC) Air Cargo Working Group, which represents the regulated parties, to discuss areas of the regulations that might be unclear or might cause significant operational impacts. Additionally, TSA has established a Compliance Advisory Group comprised of senior, experienced Transportation Security Inspectors (TSIs) who meet quarterly to receive and offer recommendations on procedural items. TSA recognizes the importance of implementing a security regime that provides for the highest security standards without adversely impacting the flow of commerce, and TSA continues to partner with industry to make sure regulations and guidelines issued meet these twin goals. Drafted changes to the security programs are due for industry comment.

As security program changes are made, TSA will ensure TSIs are knowledgeable on the updated procedures through training. TSA will continue to provide guidance to the TSIs through training modules and bi-weekly conference calls. TSA is committed to compiling questions and answers from the field and posting them to the employee web board in an effort to maintain consistency in the application of security procedures.

Question 3.: What is the Department doing to address the concerns raised by TSA's PARIS Advisory Group in 2006? Please provide a progress report timeline describing any steps taken to address the weaknesses in PARIS as a monitoring and reporting tool.

Response: Several steps have already been taken to implement recommendations directed at improving the effectiveness and functionality of the Performance and Results Information System (PARIS) program. First, resources were identified in fiscal year (FY) 2007 to transition the information technology away from a highly customized application to one that is capable of accommodating commercial off-the-shelf components. In the latter part of the fiscal year, an information technology proposal was presented to the Agency's Office of Chief Information Officer to enable the program administrators to dramatically change and improve the direction of the cur-

rent application. That proposal will be submitted through the department's approved information technology acquisition process in fiscal year 2008.

Next, the Office of Security Operations, Compliance Division, has committed to assign two additional full-time personnel in fiscal year 2008 to augment the headquarters-based PARIS staff. This much needed support will increase the administrative oversight and staff support required to supervise and manage this application serving approximately more than 3,000 end users within the Agency.

Finally, in fiscal year 2008, additional quality assurance procedures will be implemented to support managers and supervisors who review and approve PARIS records, and new program guidance and additional technical training will be made available to PARIS users. This guidance will inform end users of the steps required to accurately enter and retrieve data from the application, over and above the current support that is now available. To improve program communications, periodic technical presentations via telephone and online conferencing will be conducted with the field work force to encourage information sharing, collaboration, and assist in identifying program and process improvements.

Question 4.: In an effort to secure our nation's borders, we must know who enters and exits this country, and, slowly, we are implementing systems to accomplish this goal. Nonetheless, I am deeply troubled by occurrences of special interest aliens attempting to enter our country with little follow up investigative activities being conducted. More specifically, I suggest that a thorough investigation should be conducted to determine if these individuals are part of a larger criminal or smuggling organization and most importantly, are they associated with any terrorist organization. Furthermore, the individuals should be run through all law enforcement databases to determine if they are subjects/targets of other investigations. A new report last week indicated a considerable number of special interest aliens have illegally crossed the border in the last year.

Having said that, can you explain to us the steps that would be taken should a CBP Officer or Border Patrol agent encounter a special interest alien, for example, from Syria or Pakistan?

Who conducts the investigation?

Who insures that the information is vetted through other federal law enforcement agencies?

Do CBP Officers and Border Patrol agents have a security clearance and statutory authority that will allow them to investigate these activities?

Please describe any policies and /or procedures as they relate to the interdiction and handling of special interest aliens.

Response: This response is for **Official Use Only and Law Enforcement Sensitive.**

Customs and Border Protection (CBP) employs a layered, risk-based approach to our security and facilitation efforts at our Nation's borders.

CBP Officers and Border Patrol Agents are keenly aware and kept informed of continuing and emerging threats posed along our Nation's borders.

CBP has implemented policies to specifically address encounters with individuals posing possible threats of terrorism. Policy requires Officers and Agents to immediately notify the CBP National Targeting Center—Passenger (NTC–P), the centralized coordination point for all of CBP's anti-terrorism efforts. The NTC–P conducts a full vetting to include notification to Immigration and Customs Enforcement, who have a full time Liaison Section assigned to the NTC–P which provides 24 hour notification to ICE JTTF in the field and immediate coordination on all Terrorist Identities Datamart Environment (TIDE) encounters. Other agencies are also notified including the FBI Terrorist Screening Operations Unit (TSOU) who provides case agent instructions back to the NTC to further identify any possible threat or connection to terrorism. The local CBP Officer or Border Patrol Agent designated as a Counter-Terrorism Response (CTR) Officer is responsible for coordinating with NTC and other law enforcement agencies, and for ensuring that a full inspection, document review and questioning of suspect persons takes place.

CBP's NTC–P has several programs whose focus is to identify potential threats to national security prior to the individual arriving in the United States. In some instances, NTC–P has coordinated with foreign governments to deny boarding to the passenger thereby extending our borders. Some of these programs include:

—Immigration Advisory Program (IAP). The IAP review team at the NTC–P has the responsibility of utilizing airline reservation systems for passengers scheduled to depart aboard flights destined to the United States from the overseas IAP locations prior to boarding. Targeting efforts continue to focus on those passengers who have the highest probability of matching TIDE, TSA No-Fly, Visa Revocation, and Non-U.S. Lost/Stolen Passport records.

—As a result of the Transportation and Security Agency (TSA) Aviation Security Directive Number: SD 1544–06–03C, CBP–NTC–P initiated Operation Mirage II in response to the arrests of terrorist suspects in the UK who allegedly planned to carry-out suicide bombings on US-bound commercial aircraft. This on-going operation requires air carriers to provide CBP–NTC–P with complete passenger manifests before the flight departs from the UK. The air carriers are notified if any passenger off-loads are required before the flight is given permission to depart.

—CBP initiated Intelligence Driven Special Operations (IDSO) in response to specific "threat streams" identified during intelligence analysis or Special Interest Aliens. Each IDSO identifies specific criteria as applied to a "threat stream". CBP field offices are required to contact NTC–P when travelers matching IDSO criteria are encountered. NTC–P conducts research on each traveler in both classified and unclassified systems to determine if the subject posed a threat to national security.

All CTR Officers undergo initial and recurring special training related to their specific duties. This training includes the ability to determine if an individual may pose a possible risk for terrorism, based on: suspicious travel to special interest countries; questionable identities and/or travel documents; suspicious documents, brochures or other written materials; suspicious itineraries or travel routes; and/or unusual items contained in the individual's baggage or vehicle. This is particularly important when aliens from special interest countries falsely claim to be Mexican (or from another non-special interest country).

Some traits or indicators that may indicate a basis to question an alien's claim of citizenship from a non-special interest country are explained below.

• Observation regarding the style and type of clothing, mannerisms and speech patterns and including physical features.

• Search of the subject's person and belongings for any type of identity and/or travel documents to corroborate a story or identify potential risk.

• Physical evidence on subject's person or in subject's belongings that list phone numbers and addresses, foreign or domestic, that would lead and Officer or an Agent to believe that the alien is from a special interest country.

• Responses to certain questions (for example, regarding certain facts about Mexico) that are unlikely to be answered correctly by an alien from a special interest country.

• Biometric information, such as fingerprints and digital photographs that are checked and enrolled through the Department of Homeland Security's (DHS) United States Visitor and Immigrant Status Indicator Technology (US–VISIT) and Automated Biometric Identification System (IDENT) as well as the FBI's Integrated Automated Fingerprint Identification System

• (IAFIS) where alien's fingerprints are additionally checked to detect any previous criminal history or outstanding warrants.

The CTR Officer should use questioning techniques and observational behavioral analysis. At a minimum, the CTR interview is required to establish and properly record the following: purpose and intent of travel; length of visit; persons visited or to be visited; places visited abroad, or to be visited in the United States; sponsoring organization for the trip, or means used to pay for the trip; affiliations with educational or professional institutions; value of cash and other monetary instruments in the traveler's possession; and the traveler's next destination.

With respect to security clearances, a select group of CBP Officers and managers assigned to counterterrorism duties and trained for those specific responsibilities have been vetted for Secret or higher clearances as appropriate. And although many Border Patrol Agents have security clearances of varying levels up to Top Secret, most agents have a standard Background Investigation (BI) which entitles them to view and handle Law Enforcement Sensitive or For Official Use Information Only material.

Most CBP Officers do not have investigative responsibilities. Instead, their singular focus is on the inspection of individuals arriving at the ports of entry and detection of risks to national security or violations of Federal laws administered by CBP. When a person designated as a Special Interest Alien (SIA) presents himself for admission at a US port of entry, he will be referred to secondary inspection for additional examination and interview. Specifically, SIA's are processed in the National Security Entry Exit Registration System (NSEERS), which includes document verification and an interview regarding purpose of travel, destination, and other pertinent facts. SIA's are also fingerprinted, registered in, and queried against our system of law enforcement biometric databases (including ENFORCE/IDENT and IAFIS) and any documents or possessions of interest are examined and, where appropriate, copied for follow-up by investigative entities. Appropriate notifications are

also made when an SIA, or other individual whom CBP Officers determine may pose a risk to national security, are encountered. Such notifications may be to Special Agents with US Immigration and Customs Enforcement and the Joint Terrorism Task Force (JTTF), the National Targeting Center (NTC), and other Federal, State, or local authorities with a vested or possible interest in the alien.

The FBI's TSOU and CBP's NTC–P will run the biographical information through a multitude of databases and watch lists to determine whether the alien has any nexus to terrorism or is of any investigative interest to other agencies. If a subject is determined to be a positive match to the terrorist watch list or is of significant interest, NTC immediately notifies ICE NTC who provides direct notification to ICE JTTF in the field for response and appropriate coordination with CBP and other agencies as appropriate. These notifications are made on a 24 hour-a-day, 7 day-a-week basis. If the JTTF determines that the alien is of investigative interest, the alien may be subjected to further investigation by the FBI or Immigration and Customs Enforcement's (ICE) Office of Investigations pending further investigation.

Section 287 of the Immigration and Naturalization Act, Title 8, 18, 19 and 21 all give fairly broad statutory authority for Border Patrol Agents to arrest, detain and investigate illegal activity. For example, all Border Patrol Agents are specifically authorized to conduct investigative stops, either from roving patrol or pedestrian interviews, and must diligently pursue lawful "investigative activities" likely to promptly resolve questions as to immigration status or "criminal activity". These authorities are explained and delineated in the Border Patrol Handbook and other sources. Again, Policy requires Officers and Agents to immediately notify the CBP National Targeting Center (NTC), the centralized coordination point for all of CBP's anti-terrorism efforts, and the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Force (JTTF). The NTC conducts a full vetting to include notification to other agencies, as required, to further identify any possible threat or connection to terrorism.

Question 5.: The GAO report says that the Department has "generally not achieved" the improvement and enhancement of public/private information sharing involving attacks, threats, and vulnerabilities.

Please list how many private sector entities are linked to HSIN (or its related systems), whether this linkage has been done through the Sector Partnership Framework, and how many members of State and local governments have access.

Please describe your successes and difficulties in these areas.

Response:

HSIN–CS User Numbers (approximate count)

Private Sector Organizations	648 organizations (1,278 individuals)
Educational Institutions	16 institutions (19 individuals)
State/Local/Tribal Members	117 entities (186 individuals)
Federal Partners (non-DHS)	90 entities (299 individuals)
DHS Employees	200—250 individuals (NOTE: This is a very rough estimate. It includes 180 on the National Infrastructure Coordinating Center Tactical Portal, plus an estimated 50+ from the Transportation Security Administration, US Coast Guard, etc.).

The Sector Partnership Framework provides the governance and coordination for the Homeland Security Information Network Critical Sector (HSIN–CS). Many of the sectors, through their Sector Coordinating Councils (SCCs) and Government Coordinating Councils (GCCs), have working groups that develop functional requirements for HSIN–CS and determine content, portal appearance, and governance for their participation in HSIN–CS. This approach ensures that HSIN–CS is an efficient and effective tool that fits into each sector's business processes, culture, and policy framework.

Such an approach is intended to ensure coordination and communication in an all-hazards environment; it also affords sustainable information exchange within the sector and across sectors for the long term. The Critical Infrastructure and Key Resources (CI–KR) sector partnership provides the nexus for private-sector participation on HSIN–CS.

We have had a number of successes in our outreach efforts to the private-sector owners/operators for HSIN–CS. Each sector now has a portal in pilot status on HSIN–CS. We are working with the sectors to create a business case that provides

the owners/operators (the Nuclear, Oil & Natural Gas and Chemical sectors, for example) with a compelling reason to share information. Also, the sectors, led by the SCC/GCC, are developing their own governance and membership criteria for HSIN–CS; in this way, the sectors have a vested interest in building a trusted environment and fostering its successful execution. Finally, we have established HSIN–CS as a key distribution medium for the Department of Homeland Security (DHS) to share reports, threats, and analysis with the private-sector owners/operators. For two years, for example, DHS has made regionally based hurricane impact models available on the HSIN–CS portals for use by the sectors in preparing for the hurricane season. Nine sectors have signed Memorandums of Understanding with DHS to move out of the pilot stage and expand the use of their portals to the entire sector.

We are in the process of acquiring a new technical platform that will overcome the limitations of the current HSIN in supporting sector annual reports, broadcast alerts, key functionalities, and various private-sector core requirements. Several sectors are limiting their participation pending the move to a new platform, once identified. The GAO report did note, however, that progress had been made on the information-sharing front overall for the CI–KR sectors.

Question 6.: During the intelligence subcommittee's May 2007 hearing on the Homeland Security Information Network (HSIN), Mr. Wayne Parent said that the Department would be taking steps to ensure that the Homeland Security Information Network (HSIN) is staying aligned with the efforts and recommendations of the Program Manager of the Information Sharing Environment.

What steps has the Department taken, and what specific recommendations has the Program Manager made to the Department in that regard?

How are you implementing any such recommendations by the Program Manager?

Response: The Department of Homeland Security (DHS) has taken steps to ensure that HSIN is aligned with the efforts and recommendations of the Program Manager for Information Sharing Environment (PM–ISE). DHS established an Information Sharing Coordinating Council (ISCC) which is comprised of representatives from across the DHS components and chaired by the Office of Intelligence and Analysis's Information Sharing and Collaboration Office. The DHS/ISCC is chartered to review and coordinate recommendations from the PM–ISE. The Office of Operations Coordination has a representative on this council and coordinates applicable efforts and recommendations with the HSIN Joint Program Office.

The PM–ISE has drafted an Enterprise Architecture Framework (EAF) that will enable the sharing and searching of terrorism information across jurisdictional boundaries. The ISE EAF includes the concept of an ISE Shared Space. The Shared Space is an area to be used by participating agencies to place shareable services and data in a manner that is readily accessible and ensures appropriate security. At a concept level, this definition gives DHS the opportunity to further articulate the mechanics of its own Shared Space. DHS has begun the process of defining how it will implement the concept of the Shared Space in anticipation of a final recommendation from the PM–ISE. HSIN is an integral part of enabling the ISE Shared Space concept.

Question 7.: GAO concluded that DHS has generally not achieved performance expectation number 16: Develop a long range vessel-tracking system to improve maritime domain awareness. GAO bases its conclusion on that fact that after Congress first gave the US Coast Guard the authority to develop long range vessel tracking capabilities over four years ago in the Maritime Transportation Security Act of 2002 [MTSA] (Public Law 107–295), DHS does not have a long range vessel tracking system that can provide coverage up to nautical 2,000 miles from the US coast.

I understand that the maritime industry, specifically the Maritime Information Service of North America (MISNA), which is a non-profit US maritime organization, has developed a long range vessel tracking system that can not only provide coverage up to nautical 2,000 miles from the US coast, but around the world. Are you aware of this system? I understand that MISNA believes it would compliment the system being developed by the IMO, and would provide more benefits to the U.S. than the IMO system will.

Response: Yes, the Coast Guard is aware of the Maritime Information Service of North America (MISNA) system. MISNA, like other commercially available systems, provides global tracking of vessels as a corporate service. Unlike the compulsory International Maritime Organization (IMO) Long Range Information Tracking (LRIT) system which will track all Safety of Life at Sea (SOLAS) vessels, the long

range MISNA system is voluntary and is limited to tracking only MISNA subscribers.

Question 8: The Coast Guard's lack of progress on developing long range vessel tracking capabilities is especially troubling given that the SAFE Port Act mandated that DHS would have a long range vessel tracking system by April 1 of this year. When the Coast Guard was asked about this, their response was that they have access to sufficient data right now, but that the problem is that once the data has been gathered, they do not know how to display it and share it with those who need it. It seems that GAO came to the same conclusion. Specifically, GAO notes that while DHS has reported that the Coast Guard has vessel-tracking capabilities, but noted that work is needed in the processing, display, and training in the use of this information.

If DHS is not able to process or display the information it has, nor does it have the capability to train anyone in the use of this information, what good does it do to have the information in the first place? All the information in the world will not stop a terrorist attack if that information is not actionable. And it certainly will not help DHS to manage risk in the maritime environment.

Response: The Coast Guard met the April 1, 2007, tracking requirement of the SAFE Port Act using a full range of classified and unclassified means. This multifaceted range of vessel tracking sources provides both complementary and confirmatory information used to improve Maritime Domain Awareness (MDA). MDA is achieved through a combination of established training programs, data fusion & analysis tools, Department of Defense-compliant display systems including Coast Guard-wide distributed classified and unclassified Common Operational Pictures, and sharing of vessel tracking information with Customs and Border Protection and other port partners. Ongoing efforts continue to improve the efficiency and performance of these existing Coast Guard capabilities and information systems.

Question 9.: Sec. 404 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) authorized DHS to conduct a pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

Given DHS's lack of progress on developing long range vessel tracking capabilities over the past four years, combined with the fact that MISNA has had these capabilities for that entire time, and keeping in mind that MISNA's system will provide some capabilities that IMO's system will not and that IMO's system will not be fully functional for some time, do you think it would be prudent for Congress to appropriate funds to get this pilot project up and running, and for the Coast Guard to work with the maritime industry to achieve long range vessel tracking capabilities?

Response: The Maritime Information Service of North America (MISNA), like other commercially available systems, provides global tracking of vessels as a corporate service. Unlike the compulsory International Maritime Organization (IMO) Long Range Information Tracking (LRIT) system which will track all Safety of Life at Sea (SOLAS) vessels, the long range MISNA system is voluntary and is limited to tracking only MISNA subscribers. We do not seek funding for a pilot project for MISNA.

The United States Government has led the effort for the past four years to implement LRIT as an international standard system. Progress toward implementing a compulsory, international long range tracking system through the IMO depends upon international participation and cooperation. The Coast Guard will be working with the maritime industry, our international partners and commercially available systems to receive long range tracking information when LRIT is deployed as planned in 2008. An NPRM on LRIT was published by the Coast Guard in October 2007 and a U.S. National Data Center for LRIT is planned to be in operation by the summer of 2008.

Question 10.: According to the GAO's report, overall progress on Border Security was Modest, Immigration enforcement was Moderate, and Immigration services was Modest. Can you elaborate on why these figures appear so low and what DHS is currently doing to improve them?

Response: As discussed in the Department's response to the GAO report, we disagree with the methodology used by GAO to score the Department. We also disagree

with GAO's overall scores in the specific areas of Border Security, Immigration Enforcement, and Immigration Services.

The Department has, over the past four years, implemented several initiatives and strategies with the overall goal of gaining effective control of our Nation's borders. More importantly, our results demonstrate a success that is clearly higher than "Modest".

The Department has developed a comprehensive National Strategy to gain and maintain operational control of our borders, between the ports of entry, with the appropriate mixture of staffing, technology and tactical infrastructure. This strategy was implemented in Fiscal Year (FY) 2005 and complements the strategy for securing our Nation's borders at the ports of entry as well as the DHS' Secure Border Initiative (SBI). SBI is a comprehensive multi-year plan to secure America's borders and reduce illegal migration by gaining effective control of the borders and strengthening interior enforcement and compliance. The goals are interdependent and must be addressed simultaneously and collectively in order to achieve significant gains in border security. This is partially achieved by increasing the rate of interception and removal, therefore increasing the rate of deterrence.

While GAO did not assess deterrence as a performance measure, the Department believes it is a vital part of the National Strategy and implemented several initiatives aimed at deterrence. For example, DHS expanded the use of Expedited Removal to Border Patrol apprehensions between the ports of entry, and has since ended the practice of catch and release. Combined with targeted enforcement efforts such as Operation Streamline in the Del Rio Sector, the addition of more Border Patrol Agents, tactical infrastructure and technology such as ground based radar in other sectors, additional deterrence to illegal cross border activity was achieved.

The significant gains made in border miles under effective control are mostly attributable to the significant numbers of new Border Patrol Agents hired and deployed to the southwest border during fiscal year 2006 and fiscal year 2007 and Operation Jump Start (OJS). The new Border Patrol Agents added will become more effective in the performance of their duties as they continue to develop their law enforcement skills through post academy and on the job training. The number of support personnel hired was also increased commensurate with the hiring of additional Border Patrol Agents which has sent "badges back to the border" and increased our presence and ability to deter and apprehend border incursions.

Along with the permanent personnel enhancements, increased targeted enforcement operations and implementation of long term initiatives, the Border Patrol's southwest border sectors also received augmentation by National Guard troops participating in OJS. The most noteworthy support provided by OJS National Guard troops was through the deployment of Entry Identification Teams (EITs). These EITs provided additional detection capability and deterrence in areas with limited monitoring capabilities. This brought additional miles of the border under surveillance and allowed the Border Patrol Agents to more effectively respond to illegal entries. Additionally, the National Guard supported the Border Patrol mission in several other ways, by repairing patrol roads, providing fleet maintenance support, operating radios and cameras and performing other non-law enforcement activities. This allowed hundreds of Border Patrol Agents, performing non-law enforcement missions, to return to their law enforcement duties and place them back on the border.

Additionally, in fiscal year 2007, over 600,000 hours for CBP Officers and Border Patrol Agents were freed up through the use of a "guard and transportation" services contract that will continue in fiscal year 2008. This contract allows CBP Officers and Border Patrol Agents to focus on their primary law enforcement duties instead of spending time transporting and guarding apprehended aliens.

The results were and continue to be decreased apprehensions and increased amounts marijuana and cocaine seized between the ports of entry by Border Patrol Agents. At the end of fiscal year 2006, border security efforts resulted in an eight percent decrease in overall apprehensions and a 13 percent increase in the amount of marijuana seized and an eight percent increase in the amount of cocaine seized compared to fiscal year 2005 figures. Efforts in fiscal year 2007 resulted in a 20 percent decrease in overall apprehensions and a 36 percent increase in the amount of marijuana seized and an 11 percent increase in the amount of cocaine seized compared to fiscal year 2006 figures.

Achievement at the border is the result of the continued application of the Border Patrol's multi-year strategy to deploy the right mix of highly trained and well-equipped personnel, strategically placed tactical infrastructure and integrated technology to secure our borders. The goal of this strategy is to ensure that the Border Patrol can consistently detect, identify and classify, respond to and resolve all illegal

entries between the ports of entry while maintaining mobility for rapid deployment to counter shifts in illegal cross border activity.

In regards to Immigration Enforcement, it is apparent that the GAO failed to adequately assess several of the ICE programs that touched upon the performance expectations highlighted in the report.

For example, in an effort to ensure timely identification and removal of aliens subject to removal from the U.S., ICE has acquired additional aircraft, increased the use of the Electronic Travel Document system that meaningfully shortens processing and detention times, and increased the use of Video Teleconferencing for consular interviews, thereby reducing interview scheduling and travel delays.

It is also important to note that decisions by foreign countries to refuse or delay in the issuance of travel documents are not within ICE's control. In many instances, there is little incentive for some countries to repatriate their citizens, nearly all of whom contested removal to their nation and some of whom are criminals. Many countries extensively delay or outright refuse the issuance of travel documents for the return of their nationals, even when presented with conclusive identity information and passports. However, ICE continues to encourage non-cooperating countries to issue travel documents. Some efforts include, stationing a full-time ICE Liaison Officer at the Department of State to foster better foreign relations, expanding e–Ticketing to those countries who receive the highest number of repatriated aliens, and facilitating consular interviews.

Furthermore, the length of removal proceedings conducted by agencies within the Department of Justice or the federal courts is outside of ICE control. Aliens are entitled to present their cases to an immigration judge, appeal, and seek further review in the federal courts. In some jurisdictions, the removal of aliens is judicially stayed—or enjoined—by federal court order upon the alien's request. The GAO did not take into consideration the number of aliens in ICE detention whose detention is prolonged by their litigation choices and rulings by courts.

ICE has also made extensive progress in ensuring the removal of criminal aliens and absconders through its Criminal Alien Program (CAP). ICE would like to note that the CAP maintains a presence in approximately 2000 federal, state, and local correctional institutions and jails, including 114 Bureau of Prisons federal detention facilities. Furthermore, ICE continues to train and hire nearly 200 additional staff to support CAP, is expanding video-teleconferencing technology to field offices, and continues to expand coverage to state and local jails and prisons. Additionally, CAP is on course to double the number of aliens placed in removal proceedings by issuance of charging documents in 2007.

In addition to the CAP program, ICE has also successfully developed and implemented a robust worksite enforcement program which actively targets employers who hire unauthorized workers. ICE uses a two-fold system that entails a comprehensive risk assessment of its mission-critical areas, as well as the use of standard law enforcement statistics to measure the overall effectiveness of its investigations. The worksite enforcement program continues to mature and will be developed into an outcome based system.

Lastly, ICE has also made great strides to interdict and prevent trafficking and smuggling of aliens into the U.S. ICE utilizes Border Enforcement Task Forces (BEST), which were created to combat border crime and violence, and also maintains an active and aggressive domestic and overseas human trafficking program—ICETIPS—to target criminal organizations and individuals engaged in human trafficking worldwide.

Question 11.: Responsibility for securing the maritime transportation system falls to the Coast Guard, Customs and Border Protection, the Domestic Nuclear Detection Office, the Transportation Security Administration, other Federal, State, and local agencies, foreign partners, and the private sector. The scope is enormous and includes 300 plus domestic seaports, 12 million maritime containers, and hundreds of vessels. With all of these stakeholders and missions, it seems that this category would see the least amount of progress but the opposite is true.

What makes maritime security different?

Is it a priority for the Department and therefore more resources and attention were given to this area than Immigration enforcement?

Response: Ensuring the security of the maritime transportation system continues to be a priority for the Department of Homeland Security (DHS). An efficient maritime transportation system is vital to the global economy, but it can also be used to move dangerous cargo or people to our ports and cities. Almost 32,000 seagoing containers arrive and are off loaded at United States seaports each day. In fiscal year 2006, that equated to 11.6 million cargo containers annually. Because of the

sheer volume of sea container traffic and the opportunities it presents for terrorists, containerized shipping is uniquely vulnerable to terrorist exploitation.

DHS is proud of the strides made over the last several years to strengthen the security of the maritime transportation system while facilitating the flow of legitimate travel and trade. As you observed, the scope of this mission is enormous and responsibilities are shared between a variety of both federal and private stakeholders. Our progress in the maritime realm has been aided by a number of unique and important factors.

The maritime domain has a tradition of partnerships between stakeholders, especially between the U.S. Customs and Border Protection (CBP), the U.S. Coast Guard (USCG), maritime industry partners and others in the private sector. These established relationships enabled the Department to rapidly identify security gaps and solutions and then work aggressively to implement realistic mitigation programs and strategies. As an example, the implementation of the Maritime Transportation Security Act of 2002 included the establishment of Area Maritime Security Committees (AMSCs) and development of Area Maritime Security Plans. Both programs were implemented under tight deadlines driven by the date the International Maritime Organizations International Ship and Port Facility Security Code (ISPS Code) entered into force. The existing partnerships between Federal, State, and local agencies and the maritime/port industries, such as the Harbor Safety Committees, ensured that the stakeholders had pre-existing partnerships and were rapidly able to transition into AMSCs. Other supply chain security programs whose success is predicated on strong international and industry partnerships include the Secure Freight Initiative (a joint program between DHS and the Department of Energy) the Container Security Initiative, and the USCGs inspection teams.

Another significant factor contributing to the progress in the maritime domain is that the federal government has traditionally maintained primary oversight authority in the maritime realm. Navigable waterways and port areas fall clearly within the purview of specific federal agencies, such as the USCG, which has direct jurisdiction over all U.S. navigable waterways, or CBP which has jurisdiction over cargo crossing a border. The clarity and centrality of this federal authority has significantly expedited development of security regimes and domains. While the partnerships noted above have been crucial, the centrality of jurisdiction has also helped ensure that rapid progress was possible.

Question 12.: Although Congress passed a bill to implement remaining recommendations of the 9/11 Commission, the bill failed to implement the recommendation for Congress to reorganize itself to consolidate its jurisdiction over DHS. In an op-ed in the Washington Post on September 9th, the 9/11 Commission's former chairman, Thomas H. Kean, and former vice chairman, Lee H. Hamilton, noted that this is one of the—quote—"main items on our list of concerns."

What recommendations do you have to streamline this process?

a. Could you please provide some examples of how the lack of consolidated congressional oversight impacts DHS?

Response: The Department of Homeland Security (DHS) is currently subject to oversight by at least 86 Congressional committees and subcommittees. This level of Congressional attention creates a uniquely difficult and unnecessary burden for DHS and it negatively impacts the Department's ability to fulfill its mission. Literally thousands of Congressional requests—from many different committees and subcommittees, for hearings, briefings, reports, and other information—consume a significant amount of DHS senior leadership time, which must be balanced with meeting operational mission demands. A list of the committees and subcommittees who have asserted jurisdiction over some aspect of DHS operations during the 110th and 109th Congresses is attached.

In 2006 alone, DHS testified at more than 200 Congressional hearings, responded to more than 3,700 follow-up questions for the record, provided approximately 2,200 briefings for members and their staffs, and prepared more than 370 authorization and appropriation reports for Congress. These figures reflect more than a 25-percent increase in the number of hearings and briefings required of DHS between 2004 and 2006.

Unfortunately, the problem appears to be getting worse rather than better, and the burden is becoming increasingly onerous. So far in 2007, the Department is on pace to exceed the 2006 figures. Already, in the 110th Congress (as of September 14, 2007), DHS witnesses testified at over 166 hearings with 228 witnesses, responded to more than 2,600 follow-up questions for the record, provided approximately 1,949 briefings for members and staff, and prepared more than 460 reports for Congress. In August 2007 alone, two requests from one committee in the House

(other than the Committee on Homeland Security) have consumed many hundreds of staff hours, and boxes of documentation have been demanded and supplied.

In addition to the sheer burden associated with responding to the thousands of oversight requests directed at the Department, the large number of committees and subcommittees claiming jurisdiction frequently results in duplicative requests to the Department. We often find ourselves providing briefings or testimony to multiple committees on a range of identical or closely related matters. For example, DHS witnesses have testified, to date, at least five times on the issue of post-Hurricane Katrina housing in the 110th Congress. Further, DHS witnesses have testified before five different committees and subcommittees on worksite enforcement, and seven different times on the issue of border security.

We understand that there is a high level of interest in many of our programs and operations and recognize Congress' important oversight role; however, the time and effort involved in responding to the vast—and sometimes duplicative—requests has had a significant impact on the ability of the Department to perform our mission.

b. What recommendations do you have to streamline this process?

Response: One of the most important steps Congress can undertake to improve operational effectiveness at DHS is to streamline Congressional oversight over our Department. This action would allow DHS to focus our time and resources much more effectively on our critical missions, while preserving appropriate levels of Congressional oversight. [See Appendix I.]

This view is in line with a key recommendation of the 9/11 Commission which was to create a single, principal point of oversight and review for homeland security. The Commission stated that:

> Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties. But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff.

The Department of Homeland Security strongly supports this recommendation and the Administration has repeatedly expressed its strong conviction that Congress should adopt this recommendation. As discussed in the previous answer, the lack of a single, principal point of oversight and review has led to a number of committees exercising oversight, requesting information, and holding hearings. The Department welcomes oversight and is more than willing to engage with members of Congress on important homeland security issues. However, this must be done in an organized a way that avoids redundant requests and oversight efforts, and allows Departmental leaders to engage in full and efficient dialogue with members of Congress.

We urge Congress to implement this vital reform.

QUESTIONS FROM THE COMMITTEE ON HOMELAND SECURITY

RESPONSES FROM THE HONORABLE DAVID M. WALKER

Question 1.: Since 2003, the Department has committed roughly $250 million to develop an exit capability for US-VISIT, yet we still do not have a functioning biometric exit system. In June, GAO testified before the Committee that the prospects for having operational exit capabilities continued to be unclear because of the absence of any detailed plans.

a. Can you speak about the US-VISIT exit plans GAO has reviewed, or lack thereof, and why you believe the Department's newly launched efforts to deliver an air and sea exit solution will not produce results different from its past efforts?

Response: DHS has issued a high-level schedule for an exit capability at air ports of entry, but information supporting that schedule was not available as of June 2007. In addition, there are no other exit program plans available that define what will be done, by what entities, and at what cost in order to define, acquire, deliver, deploy, and operate this capability. The fiscal year 2007 US–VISIT expenditure plan did not include a complete schedule for biometric exit implementation, and the US-VISIT program office has yet to develop a business case for implementing a planned project for biometric exit capability at air ports of entry. Further, DHS has not performed an analysis comparing the life cycle costs of the air exit solution to its expected benefits and risks.

The US–VISIT program first committed to full deployment of a biometric exit capability in 2003, and it has continued to make similar deployment commitments in subsequent years. At the same time, we have chronicled a pattern of inadequate

analysis surrounding the expected costs, benefits, and risks of these exit efforts since 2004, and thus an absence of reliable information upon which to view their expected value and base informed exit-related investment decisions. US–VISIT has allocated about $250 million in funding to exit pilot programs. At no time, however, was any analysis produced to justify such a sizeable investment. While we recognize the value and role of demonstration and pilot efforts as a means for learning and informing future development efforts, we believe that exit-related efforts have been inadequately defined and justified over the last 4 years, and it is unclear whether DHS's new efforts will produce different results from past efforts.

Questions 2.: Throughout your review, how was the NIPP evaluated?

a. Were you considering coordinated objectives that should have been accomplished by the NIPP in coordination with Sector and Government Coordinating Councils?

b. If so, then please list concrete examples that contributed to your overall analysis.

Response: We based our review of the NIPP on prior GAO work. We previously reported that the NIPP is a base plan that is to serve as a road map for how DHS and other relevant stakeholders should use risk management principles to prioritize protection activities within and across sectors in an integrated, coordinated fashion. HSPD–7 required DHS to develop a comprehensive and integrated plan by December 2004 that outlines national protection goals, objectives, milestones, and key initiatives necessary to fulfilling these responsibilities. DHS issued the NIPP in June 2006.

To better coordinate infrastructure protection efforts as called for in the NIPP, all 17 critical infrastructure sectors have established their respective government councils, and nearly all sectors have initiated their voluntary private sector councils. But council progress has varied due to their characteristics and level of maturity. Further, the NIPP required the individual sector-specific agencies, working with relevant government and private sector representatives, to submit plans to DHS that would establish the means by which the sectors will identify their critical assets, assess risks of terrorist attacks or other hazards on them, assess and prioritize those which have national significance, and develop protective measures for the sector. DHS is to use these individual plans to evaluate whether any gaps exist in the protection of critical infrastructures on a national level and, if so, to work with the sectors to address the gaps. We reported that all the sectors met the December 2006 deadline to submit their sector-specific plans to DHS, although the level of collaboration between the sector and government councils on the plans varied by sector. In May 2007, DHS announced the completion of the 17 sector-specific plans. However, issuing the NIPP and completing sector plans are only first steps to ensure critical infrastructure protection investments and activities are prioritized based on risk management principles.

We recently reported that the extent to which the sectors addressed aspects of cyber security in their sector-specific plans varied. None of the plans fully addressed all 30 cyber security-related criteria. Several sector plans—including the information technology and telecommunications sectors—fully addressed many of the criteria, while others—such as agriculture and food and commercial facilities—were less comprehensive. In addition to the variations in the extent to which the plans covered aspects of cyber security, there was also variance among the plans in the extent to which certain criteria were addressed. DHS acknowledges the shortcomings in the plans. DHS officials stated that the sector-specific plans represent only the early efforts by the sectors to develop their respective plans. Nevertheless, until the plans fully address key cyber elements, certain sectors may not be prepared to respond to a cyber attack against our nation's critical infrastructure.

3. In your report, you give the Department a "generally achieved" status for developing partnerships and coordinating with other federal agencies, state and local governments and the private sector. **Please describe in detail a partnership and coordination effort that was "generally achieved" by the Department?**

Response: DHS has taken steps to develop partnerships and coordinate with other federal agencies, state and local governments, and the private sector. For example, DHS is responsible for the formation of government and private sector councils to, among other things, identify their most critical assets and identify protective measures in sector-specific plans. In October 2006 we reported that all 17 critical infrastructure sectors established their respective government councils, and nearly all sectors initiated their voluntary private sector councils in response to the National Infrastructure Protection Plan.

In addition, DHS has undertaken numerous initiatives to foster partnerships with other federal agencies, state and local governments, and the private sector about

cyber attacks, threats, and vulnerabilities. For example, the National Cyber Response and Coordination Group facilitates coordination of intragovernmental and public/private preparedness and operations in order to respond to and recover from incidents that have significant cyber consequences and also brings together officials from national security, law enforcement, defense, intelligence, and other government agencies that maintain significant cybersecurity responsibilities and capabilities. Further, sectors stated that the Critical Infrastructure Protection Advisory Council will give them an effective way to share information about and coordinate their protection efforts since the council proceedings are not subject to public disclosure, thus protecting sensitive business information from competitors.

4. Mr. Walker, you identified numerous problems with the Department's recruitment, retention, and management of its personnel. Can you tell us what you think are the top three problems, and what you think are the short and long term solutions to address them?

Response: Some of the most pressing human capital challenges at DHS include successfully completing its ongoing transformation; forging a unified results-oriented culture across the department; linking daily operations to strategic outcomes; rewarding individuals based on individual, team, unit, and organizational results; and obtaining, developing, providing incentives to, and retaining needed talent. Moreover, employee satisfaction with their involvement in decisionmaking and feelings of empowerment are low, as measured by results in the 2006 Federal Human Capital Survey.

Given the strategic importance of human capital management to the success of DHS, finding cost-effective, feasible long-term solutions is the most appropriate management approach. DHS needs to continue its efforts to

- link organizational goals to individual performance
- use competencies to provide a fuller assessment of performance
- make meaningful distinctions in employee performance
- continue to incorporate adequate safeguards to ensure fairness and guard against abuses
- involve employees in important decisions such as how they are deployed and how work is assigned

We have also made recommendations to specific program offices and organizational entities to help ensure that human capital resources are provided to improve the effectiveness of management capabilities and that human capital plans are developed that clearly describe how these components will recruit, train, and retain staff to meet their growing demands as they expand and implement new program elements.

Question 5.: Mr. Walker, in the report you cite that DHS reported to you as of March 2007 that it was scanning 91 percent of containerized cargo entering the United States by land or sea ports of entry. This Committee has also been provided with similar, although more detailed information about scanning cargo for radiation. For that performance expectation, which was number 4: "Coordinate deployment of nuclear, biological, chemical, and radiological detection capabilities and other countermeasures" under the Science and Technology section, the GAO Assessment was "Generally not achieved."

a. Do you believe the Department is in fact scanning less than 91 percent of containerized cargo entering the U.S.? If so, what is your basis for that assessment?

Response: DHS has made progress in deploying radiation detection equipment at US sea ports. We do not disagree with the Department's statement that it is screening 91 percent of containerized cargo entering the country, but that screening is only to detect nuclear and radiological materials. We concluded that DHS has generally not achieved the performance expectation to "Coordinate deployment of nuclear, biological, chemical, and radiological detection capabilities and other countermeasures" because there is no comparable activity for biological and chemical detection. DHS did not provide us with documentation on its effort to coordinate the deployment of countermeasures beyond radiation detection capabilities at ports of entry and monitoring of aerosol-based attacks. In addition, until DHS more completes its threat assessments across all sectors, DHS may not fully now what technologies or countermeasures are needed to address identified threats and vulnerabilities.

Question 6.: Mr. Walker, in the S&T section of the report, nuclear, radiological, biological, and chemical detection are all somewhat grouped together.

a. Can you compare among them for us, and tell us your opinion of the maturity of the rad/nuke, biological and chemical detection technologies respectively?

b. Because rad/nuke detection has moved out of the S&T directorate and is now within the Domestic Nuclear Detection Office, can you compare and contrast the process and efficacy for threat assessment, RDT&E, and where applicable, technology deployment between S&T and DNDO?

c. Are the two directorates cooperating or coordinating?

Response: DHS has developed and deployed equipment at ports of entry for detection of radiological and nuclear materials entering the United States. The department has also developed and deployed technologies to detect possible biological and chemical agents in the air. However, we have not evaluated or compared the maturity of these detection capabilities. Moreover, we have not compared and contrasted the assessment and deployment processes used by the Science and Technology Directorate and the Domestic Nuclear Detection Office. We also have not reviewed the extent to which the Science and Technology Directorate and the Domestic Nuclear Detection Office coordinate their efforts.

Question 7.: Mr. Walker, in the first performance expectation for the S&T directorate: "Develop a plan for departmental research, development, testing and evaluation activities," you note several reports put out by the Department and that each report seems to do well in some area and fails in others. For example, the report states that "The Science and Technology Directorate Strategic Plan and associated Five-Year Research [and] Development Plan provide information on deliverables and milestones for fiscal years 2007 through 2011. However, these plans do not include goals and measures for the department's science and technology activities. In addition, according to the department, these plans do not address the requirement in the Homeland Security Act of 2002 for the department to develop a national policy and strategic plan for identifying priorities, goals, objectives and policies for, and coordinating the federal government's civilian efforts to identify and develop countermeasures to chemical, biological, and other emerging terrorist threats, upon which the performance expectation is, in part, based."

a. Can you differentiate between goals, milestones, measures, and deliverables and explain why each need to be included and why the Department included deliverables and milestones but not goals and measures?

Response: Effective strategic plans contain strategic or long-term goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency. The strategic goals constitute a specific set of policy, programmatic, and management objectives for the programs and operations covered in the strategic plan, and serve as a framework from which the annual performance goals are derived. Strategic goals explain what results are expected from the agency's major functions and when to expect those results. Such goals are an outgrowth of the mission and are very often results-oriented. Strategic plans should indicate how progress toward achieving strategic goals will be measured. Effective strategic plans should also show an obvious link between strategic goals and the specific actions or deliverables that will be needed to meet those goals. These actions or deliverables, in turn, should be clearly linked to milestones describing when such actions will take place. We provide an explanation of each term below:

- **Strategic Goal:** A statement of aim or purpose that defines how an agency will carry out a major segment of its mission over a period of time. Most strategic goals will be outcomes, and are long-term in nature. The strategic goal is expressed in a manner which allows a future assessment to be made of whether the goal was or is being achieved.
- **Performance Goal:** Sets a target level of performance over time expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value or rate. A performance goal is comprised of a performance measure with targets and timeframes.
- **Performance Measure:** An indicator, statistic or metric used to gauge program performance against goals.
- **Milestones:** A schedule of significant actions that need to take place to achieve the goals in a strategic plan.
- **Deliverables:** Products or services to be provided as specified in a contract or plan.

Questions 8.: Mr. Walker, you considered the assessment of emerging CBRN threats to generally not achieved. Last year, as you note in your report, DHS S&T

completed a risk assessment of 28 biological agents and then went on to conduct 14 Material Threat Determinations (MTD) required under project BioShield.

a. Do you consider the risk assessment of the 28 biological agents or the MTDs to be inadequate or sub-par?

b. What about similar risk assessments for rad/nuke and chemical agents?

Response: We did not evaluate the quality of risk assessments and Material Threat Determinations that have been conducted by DHS. We based our assessment of generally not achieved primarily on the fact that DHS was in the process of completing assessments in some sectors. Our analysis showed that DHS has completed some assessments on biological and chemical threats and vulnerabilities. However, at the time of our report DHS was still in the process of completing assessments in the chemical sector as well as its Integrated Chemical, Biological, Radiological, and Nuclear Assessment. Based on our analysis, we concluded that DHS's assessments overall appeared to be in the early stages.

Question 9.: Responsibility for securing the maritime transportation system falls to the Coast Guard, Customs and Border Protection, the Domestic Nuclear Detection Office, the Transportation Security Administration, other Federal, State, and local agencies, foreign partners, and the private sector. The scope is enormous and includes 300 plus domestic seaports, 12 million maritime containers, and hundreds of vessels. With all of these stakeholders and missions, it seems that this category would see the least amount of progress but the opposite is true.

a. What makes maritime security different?

b. Is it a priority for the Department and therefore more resources and attention were given to this area than immigration enforcement?

Response: While our work was not designed to explain why DHS has made varying levels of progress in implementing its mission and management areas or how the department prioritized among those areas, we can provide a few observations on maritime security. The two key agencies responsible for the maritime security mission—the Coast Guard and U.S. Customs and Border Protection—already had authorities to conduct security-related activities. These two agencies had the infrastructure in place—such as trained staff, assets like ships and aircraft, and a field structure at the ports. These agencies also had leadership that moved ahead with various security initiatives, such as the Coast Guard creating Area Maritime Security Committees to coordinate activities and share information and CBP creating partnerships with other countries (through the Container Security Initiative) and the private sector (through the Customs-Trade Partnership Against Terrorism).

Question 10.: Would you agree with DHS that the GAO's methodology led to "an inaccurate representation of the Department's progress?"

a. What do you consider that most significant limitations of the review and your resulting report?

b. To what extent do you agree or disagree that these limitations impaired the results of you analysis?

c. Can you briefly respond to the methodological "flaws" cited DHS, and does the Department have valid concerns?

Response: As we acknowledge in our report and testimony, our methodology has several limitations. For example, we have completed varying degrees of work for each mission and management area, and DHS's components and offices provided us with different amounts and types of information. As a result, our assessments of DHS's progress in each mission and management area reflected the information available for our review and analysis and are not equally comprehensive across all 14 mission and management areas. Further, while there are qualitative differences between the performance expectations, we did not weigh some more heavily than others in our overall assessments of mission and management areas.

In commenting on a draft of our report, DHS took issues with several different aspects of our methodology. For example, DHS believed that we altered the criteria we used to judge the department's progress. We did not change our criteria; rather we made a change in terminology to better convey the intent behind the performance expectations that DHS achieve them instead of merely taking actions that apply or relate to them. DHS was also concerned about an apparent shift in criteria we applied after the department provided us additional information and documents. What DHS perceived as a change in criteria for certain performance expectations was really the process by which we disclosed our preliminary assessment; analyzed additional documents and information from DHS; and updated and, in many cases revised, our assessments based on the additional inputs. Further, DHS raised concerns with consistency in our application of the methodology. Our core team of GAO analysts and managers reviewed all inputs from GAO staff to ensure consistent ap-

plication of our methodology, criteria, and analytical process, and our quality control process included detailed reviews of the report's facts as well as assurances that we followed generally accepted government auditing standards. Overall, while we appreciate DHS's concerns about our methodology, we recognize that in such a broad-based endeavor, some level of disagreement is inevitable. We have been as transparent as possible regarding our purpose, methodology, and professional judgments and believe that our methodology provides a sound basis for assessing DHS's progress.